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Rade, Leman Thomas

STRICTURES

ON THE

LIVES AND CHARACTERS

OF THE MOST

EMINENT LAWYERS

OF THE PRESENT DAY:

INCLUDING,

AMONG OTHER CELEBRATED NAMES,

THOSE OF THE

Lord Chancellor,

AND THE

TWELVE JUDGES.

I, bone, quo Virtus tua te vocat, i pede fausto.

HOR.

---------- Sine me, liber, ibis in urbem;
Hei mihi! quod Domino non licet ire tuo.

OVID.

London:

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1790.

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PREFACE.

THE Importance of *Hiſtory*, as an object of ſtudious Attention, has been ſo frequently and forcibly illuſtrated by able Pens, that adducing other Arguments, or placing the ſame in a different point of view, would be ſuperfluous and unneceſſary; when employed to elucidate Public Concerns, and record the Affairs of Nations, it may be eminently uſeful to the Stateſman and Philoſopher; but certainly does not

come ſo *immediately home* to the concerns and feelings of Mankind, as that *particular Branch* of it which develops the ſources of individual Action, and traces the footſteps of eminent Characters through all the varied gradations from Obſcurity to Fame.

Almoſt infinite are the Advantages of BIOGRAPHY; but HERE, TOO, we have been anticipated by "JOHNSON," who Enumerates them with equal force, perſpicuity and truth: It arouſes to Emulation, by ſhewing the Rewards attendant upon application and Genius, and holding up

up to view the moſt ſplendid and attractive Examples, and at the ſame time furniſhes the *means* of Succeſs, by putting us in poſſeſſion of the Experience of former Candidates, thereby ſmoothing the path to the favoured Goal. In other language, BIOGRAPHY unfolds the motives and ſources of Human Conduct, and diſplays the minute and hidden Springs that ſet the Machine in Action, and trace every Movement at all calculated to produce an Effect.

MODERN

MODERN BIOGRAPHY muſt, of neceſſity, be *peculiarly* intereſting; it is natural to feel more delight in peruſing the Lives of thoſe who are eminent in *our own Days*, and who are Objects of Diſtinction in the Circle in which *we ourſelves move*, than we can poſſibly receive from the recorded Exploits of thoſe of remoter Ages, who have neither by Age, Country, or Connection, any Claim upon our Affections; and of all the variety of Characters that engage the attention of the *Hiſtorian*, not any are more intereſting

or

or uſeful than thoſe of STATESMEN, and LAWYERS.

Theſe are only very *imperfect Sketches* of great *Originals*, for which the Writer is ſenſible of ſtanding much in need of an Apology; but which, he truſts, the Reader will readily afford him, when he conſiders the *Novelty* and *Difficulty* of the Taſk he has undertaken. Every Man is anxious to know ſomething of thoſe great Characters who preſide, and are eminently diſtinguiſhed by their Eloquence and Wiſdom in our Courts; but the impediments

in

in the way of collecting this kind of information, with any degree of authenticity, are great, and in many instances, insuperable; and, there is great delicacy required in accompanying *ascertained facts*, with the observations they offer in reasoning upon them.

The Author of these sheets has collected what information he gives the Public with great care and diligence, and, he hopes, drawn his inferences with the Pencil of Truth and Candour: He has freely availed himself of all COTEMPORARY

Periodical

Periodical Publications that could throw any light upon his Subject, but where he has borrowed, has generally, he believes, acknowledged the obligation.

London, June 22,
1790.

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THE RIGHT HONOURABLE

EDWARD LORD THURLOW,

LORD HIGH CHANCELLOR, &c.

TETRUM, ANTE OMNIA VULTUM!—
MONSTRUM, HORRENDUM, INFORME, INGENS!—

LORD THURLOW ſtands avowedly high in public eſtimation and in profeſſional rank; but as theſe ſketches profeſs impartiality and independence for their leading features, we beg leave to be conſidered as giving our own opinion, rather than as echoing the public voice.*

EDWARD

* Lord THURLOW's political *character* is little known, though his political *conduct* (ſays one of his Biographers) is notorious. There is not a man in England, of any party, ſize of underſtanding, or political complexion, whoſe buſineſs, views, or amuſements, have led him to ſpeculations of this kind, that is not firmly perſuaded, and ſatisfactorily informed, of the ſteadineſs, uniformity, and inflexibility of

EDWARD THURLOW is said to have derived his descent from the famous Secretary of that name to OLIVER CROMWELL. His father was an obscure Clergyman, possessed of an inconsiderable living at *Ashfield*, in *Suffolk*. It is a saying of him upon record, that he could give his children nothing more than education, and that NED would *fight* his way in the world. This fortunate son, however, discovered no very early proofs of distinguished genius, but possessed, even in *infancy*, the assumed manners of the man, and was *haughty*, *presuming*, *churlish*, and *overbearing*. At the usual period, he was admitted of *Peterhouse*,

of the over-ruling principle that directs his conduct. Though Earth, Hell, and Heaven were to club their influence, and unite in threatening him with worldly disgrace, future punishment, and eternal reprobation, they must carry their threats into actual execution before they could intimidate him from pursuing the great principle of his nature.

Si fractus illabatur orbis
Impavidum ferient ruinæ.

Review of Political Characters, 8vo.—1777.

houſe, Cambridge, where the hopes entertained of his future progreſs in life were far from being ſanguine: his general deportment was rude and boiſterous, little calculated (ſays one of his Biographers) to conciliate the reſpect of the world, and apparently without any wiſh to obtain it. The early part of his life was marked with many irregularities, exceeding even the bounds of the moſt diſſipated of the day: his difficulties were of courſe, great, and he is remembered to have extricated himſelf with great addreſs and wonderful confidence. His natural powers were always viewed with reſpect, to which indeed they were intitled.* Devoted to a life of pleaſure and

* The following account of his Lordſhip was tranſmitted by a very learned and reſpectable Member of the Church, who is intimately informed of his Lordſhip's character, family, and early incidents of life, and one of his moſt zealous advocates and admirers:

"His ſuperiority of abilities (ſays he) was diſcovered "very early, both at ſchool and college; they extorted "ſubmiſſion from his equals, and impreſſed his ſeniors "with

and dissipation, report has imputed to him not only a contempt of literature, but almost

"with awe.—The following anecdote is told of him: "Having been absent from chapel, or committed some "other offence which came under the cognizance of the "Dean of the college, the Dean, who, though a man of "wit, was not remarkable for his learning, set THUR-"LOW, as a punishment, a paper in the Spectator to "translate into Greek. This he performed extremely "well, and in very little time; but, instead of carrying "it up to the Dean, as he ought to have done, he "carried it to the Tutor, who was a good scholar, and "a very respectable character. At this the Dean was ex-"ceedingly wroth, and complained to the Fellows of the "insult, and insisted that Mr. THURLOW should be con-"vened before the Masters and Fellows, and receive a "severe reprimand. They were convened accordingly, "and the Master of the college accused him of the insult "above stated; to which THURLOW coolly replied, That "what he had done proceeded not from disrespect to the "Dean, but merely from motives of pity, an unwillingness "to puzzle him. The irritated Dean ordered him imme-"diately out of the room, and then insisted that the Masters "and Fellows ought immediately to expel or rusticate him. "This request was nearly complied with, when two of the "Fellows, wiser than the rest, observed, that expelling or "rusticating a young man for such an offence, would per-"haps do much injury to the college, and expose it to "ridicule; and, that as he would soon quit the college of his

"own

most a total neglect of it, at least a degree of indolence in the pursuit, inconsistent with the attainments of even necessary knowledge; but common fame has in this instance added nothing to her reputation for veracity: his Lordship is an admirable classical scholar, and attained his knowledge by the only means knowledge is accessible—study and application. He differed from others only in the *mode* of acquiring it. He who was every where seen the picture of indolence, lolling on the noon-

"own accord to attend the Temple, it would be better to "let the matter rest, than irritate him by such severe "measures; which advice was at length adopted.—One "of the gentlemen who recommended lenient measures, "was the present master, for whom Lord THURLOW has "procured the Chancellorship of the diocess of Lincoln."

As a proof of the *consciousness* which the CHANCELLOR felt of his abilities, long before he was called to the bar, he often declared to his friends, that he would one day be CHANCELLOR of ENGLAND, and that the title he would take for his Peerage would be Lord THURLOW of *Thurlow*.

THURLOW

noon-day bench, and considered, almost as the *fixture* of a coffee-house in the day, regularly retired to the most intense application at night.

" ———— His learned toil
" O'er Books consum'd the midnight oil."

From *Cambridge* he removed to the *Inner Temple*, where the same apparent indolence of temper and disposition marked his conduct.

He attended the Bar several years unnoticed and unknown.* The first cause in which

THURLOW is the name of a parish in Suffolk, adjoining Ashfield, which he at that time determined to purchase. It happened, however, that he had not completed the purchase at the time the Seal was put to his Peerage.

* When Practice *waited not* at Mr. THURLOW's door, but was to be *followed* rather as a patron than treated as a client.—When, as a provision for instant need, he was compelled to seek the fortuitous fee that a Country Circuit should charitably offer, he was often so improvident as to be caught without the means to place his wants in the direct road of probable relief;—for he has, at such times, been bereft even of a sufficiency to defray the necessary expences of the first stage! In these dilemmas (if we may credit report), he has had recourse to expediencies, that a fruitful imagination is seldom at a loss for—expediencies, however, that oftener do honour to the *head* than to the *character* of

which he is ſaid to have diſtinguiſhed himſelf, was that between LUKE ROBINSON and Lord WINCHELSEA, which at once gave him reputation and buſineſs. He was ſoon after pitched upon as managing counſel in the great DOUGLAS *Cauſe*, in which he diſcovered ability and addreſs. It was always his aim in practice, to give his oratorical productions more the air of genius than induſtry, and they often carried the appearance of *ſpontaneous* effuſion, although the effort of much pre-meditation and previous labour. Vanity is the ruling paſſion of humankind, and we all wiſh to go

of the maſter. At *one* time, when every common ſcheme had failed him, he is ſaid to have liberated himſelf from an awkward embarraſſment in a very bold manner. He ſent for a ſtable-keeper, and requeſted a horſe of him on trial, and after a certain allowed proof, if he liked the *beaſt*, he agreed to give for him a ſtipulated ſum. We believe that our readers are already acquainted with the ſequel of this bargain. The horſe, to be ſure, was diſcovered to be lame, blind, broken-winded, &c. and the man conſequently abuſed for *ſetting a Gentleman* on ſo deſpicable and dangerous an animal.

go forward rather by the impulse of the wind than the labour of the oar, although attainments by the means of industry are certainly as honourable, and generally more successful.

The *morality* of a character,* these imperfect sketches profess no purpose to delineate.—

* We are proud of the relation of every *good* action, and the following certainly *ought* not to be omitted :

The late celebrated *Doctor Johnson* applied by means of the Chancellor to a great Personage for an addition of 200l. to his pension of 300l. for one year only. The Doctor was persuaded for the establishing, or rather recovery of his health, to visit the Continent, and this additional sum would enable him to travel with ease and convenience. The petition was refused; but the Chancellor, when he acquainted the Doctor with the event of his application, told him that he was at full liberty to draw on his banker for 500l. The following is a Copy of the Doctor's Letter to the Chancellor, on his Lordship's liberal offer to him ;

To the Right Honourable Lord THURLOW.

AFTER a long and not inattentive observation of mankind, the generosity of your Lordship's offer raises in me not less wonder than gratitude. Bounty so liberally bestowed

ſineate.—The *immorality* chiefly, we believe, imputed to the CHANCELLOR, is too frequent a ſacrifice to the Cyprian Goddeſs, and theſe are crimes, which in mercy to mankind, we hope are venial. It is to be

towed I ſhould gladly receive, if my condition made it neceſſary—for to ſuch a mind who would not be proud to own his obligation? But it has pleaſed God to reſtore me to ſo great a meaſure of health, that if I ſhould now appropriate ſo much of a fortune deſtined to do good, I could not eſcape, from myſelf, the charge of advancing a falſe claim. My journey to the Continent, though I once thought it neceſſary, was never much encouraged by my phyſicians, and I was very deſirous that your Lordſhip ſhould be told of it by Sir JOSHUA REYNOLDS, as an event very uncertain; for if I grew much better, I ſhould not be willing, if much worſe, I ſhould not be able, to migrate. Your Lordſhip was firſt ſolicited without my knowledge; but when I was told that you was pleaſed to honour me with your patronage, I did not expect to hear of a refuſal;—yet as I have had no long time to brood hope, and have not reſted on imaginary opulence, this cold reception has been ſcarce a diſappointment; and from your Lordſhip's kindneſs, I have received a benefit which only men like you are able to beſtow. I ſhall now live *mihi carior*, with a higher opinion of my own merit.

I am, my Lord, your Lordſhip's moſt obliged,

Moſt grateful, and moſt humble Servant,

Sept. 1784. SAMUEL JOHNSON.

be remembered too, that tales of ſcandal are ever propagated with malignity proportionate to the elevation of the character traduced.

His arrival at profeſſional honours was firſt announced in 1762, when he was appointed *King's Counſel*, thus emerging *at once* from legal obſcurity, his abilities being ſo little known as a Barriſter, that the appointment excited univerſal aſtoniſhment. Impelled by the moſt reſiſtleſs ardour, he ruſhed intrepidly, and almoſt immediately, to the ſummit of legal fame; for in the year 1770, we find him advanced under the patronage of the Houſe of BEDFORD to the poſt of *Solicitor General*, on the reſignation of Mr. DUNNING; and ſucceeding Sir WILLIAM DE GREY as *Attorney General* in 1771.

He was twice elected into Parliament for the Borough of *Stafford*.

This

This is the proper place to review his Lordſhip's pretenſions to the rank he holds as a firſt-rate *Orator* and *Lawyer*.

He was a powerful and *uniform* ſupporter of the meaſures of Government.* It cannot be denied but he poſſeſſes ſtrong natural talents, and quickneſs of apprehenſion :—His eloquence partakes of his character; it is bold, explicit, deciſive, and inflexible:

* Without the graces of elocution, a choſen arrangement of words, harmony of voice, or diverſity of cadence, there is an expreſſion of countenance denoting a conviction of truth, a manner of preſſing his arguments, ſeemingly ariſing from the ſame ſource, accompanied by a certain energy of expreſſion which, united, render him moſt formidable and powerful in the line of parliamentary perſuaſion. He often ſubſtitutes ſophiſtry for argument, and aſſertion for fact; and in the blind heat of debate, where the attack and defence is ſudden and unforeſeen; where majorities are to be ſoothed, hurried, miſled, or furniſhed with plauſible apologies for voting againſt conviction: where it is the buſineſs of an advocate to conceal, exaggerate, or explain away; where the Speaker, from his particular ſituation, is far removed from reſponſibility; where few are capable of judging, fewer of detecting, and where the detection would be the work of more days than the mode of parliamentary diſcuſſion affords hours; THURLOW, to borrow an expreſſion of his own, is an orator of *the firſt impreſſion*.

flexible:—he delivers his arguments as *Jove* directs his bolts, in tones of thunder: confident and daring, he rushes like *Achilles* into the field, and deals destruction around his adversaries more by the strength of his arm, the deep tones of his voice, and the lightning of his eye, than by any peculiar felicities of genius, or elevated powers of oratory.—He at times combats his opponents with every species of argument, from the naked, unqualified, unsupported flat assertion, down to the sarcastic joke. "His style, howe-
"ver, is often petulant and warm, neither
"remarkable for its neatness, nor offensive
"for its vulgarity.—His attempts at ridi-
"cule and humour are mean and disagree-
"able; but his words are generally well
"chosen, and his voice clear and strong.—
"His replies are constantly acrimonious;
"he exercises all the figures of his profes-
"sion: his constructions of the law are
"artful and malignant, and he becomes
"gradually vehement and furious."*

His

* See *Preface to Bellendenus*.

His manner has an *assumed* dignity, and an *affected* impression of awe, which however decorous upon *some* occasions, is certainly improper upon *all*. Perhaps the natural *sable* of his face—that *dull*, *dismal*, *dark*, *disastrous* countenance, throws an involuntary horror round him.—Menace and terror sit enthroned upon his brow—*his whole aspect is repellant, and conveys an idea of outrage.*—He affects to disdain the aid of the Graces, and to command alone by the energy of expression, and *force*, both in manner and expression, is undoubtedly his Lordship's *forte*, but every qualification should be judged by comparison.—As a Speaker in the House of Commons, many were far above him. That *force*, on which so much has been said by his Panegyrists, compared with the fire and energy of Fox, is like *Satan*'s contest with OMNIPOTENCE, and like the allusion, leaves comparison behind it. Where, in the best of his speeches, is the information, the design, the genius, the splendid conflagration

of

of BURKE? Where the wit, the classic taste and correctness of SHERIDAN? The records of Parliament will place him, as an orator, far below any of these.

As a *Professional* Man, he was not heard of, by the side of YORKE, DE GREY, and GRANTLEY; and was always, with great propriety considered inferior, both *in and out of Parliament*, to his official competitors ASHBURTON and LOUGHBOROUGH.

His *unrivalled* excellence, is an iron countenance, an inflexible hardihood of feature, an invulnerable, impenetrable aspect, that nothing can abash, no crimson tinge; that stares humanity from the justice-seat, and defies the tear of pity. Charity, it is said, covers a multitude of sins, and *inhumanity* implies a depravity of heart, that gives the owner credit for the possession of *untold* crimes.

In 1778, he was created a Peer by the title of Lord THURLOW, Baron of *Ashfield* in

in *Suffolk*, and advanced to the high dignity of *Lord Chancellor*, the place best calculated for the display of his abilities.

As a Speaker of the House of Lords, he has that intrepidity and firmness that *commands* order and regularity in their proceedings, and confines debate to the point in agitation. His Lordship very properly *feels* the dignity of his situation, and will not suffer the pride of Peerage to invade it's rights. His spirited and manly reply to the Duke of GRAFTON, does him honour.* However the ancient and hereditary Nobles may feel on the ascent of Lawyers to the Peerage, it must be remembered, that *they* only rise by desert. The man who earns his honours, has the best right to wear them; and they certainly sit upon him with a grace seldom observed in the passive inheritor.

"Vast in his person, bold in his senti-
"ments, *pompous* in his words, and pow-
"erful,

* See Parliamentary Debates.

" erful, not so much in the qualities of
" wisdom, as in the consequence given to
" trifles, he has secured the prejudices of
" the Upper House. He has obtained all
" that could possibly be expected by a
" man of mean extraction, with the aid
" of oratorical abilities. The influence
" *Quintus Varrius*, a huge but beastly fellow,
" once obtained amongst his fellow-ci-
" tizens, the CHANCELLOR, by similar
" attainments, imagines he has acquired
" in the British Senate. Confident and
" shrewd, his *look* bespeaks him of some
" consequence—

" A grave severity is in his face,
" And credit in his words."

He is not an example of mean insinuation, but stands (says an elegant diurnal writer) amidst the warring factions of the times, like the CHAN of the USBECS, too formidable to be visited by contumely, tho' too savage to create esteem.

There

There is great ſimilitude of character between Lord THURLOW and the late Lord NORTHINGTON;* the ſame bluntneſs, the ſame

* A more ſingular character than the late Lord Chancellor NORTHINGTON has not perhaps been unfolded to modern obſervation. He poſſeſſed conſiderable abilities, was an upright judge, and gave ſatisfaction in the high office he enjoyed: in private life he was the very reverſe of every thing which would ſeem to produce dignity in a public ſtation. In his youth he was a profeſſed debauchee, and the ſentiments and language of that character were retained by him to the lateſt moment of his exiſtence. On his return home from the adminiſtration of juſtice, he would not heſitate to ſwear at his ſervants, and be indecent with his company :—Indeed the ſtate-coach was not always conſidered ſacred to chaſte and decent ſpeech, and the uneaſineſs of that rumbling machine, when his Lordſhip's feet have been tender from the gout, has called forth very ſtrong exclamations in the preſence of the mace and ſeals. Some of his friends have been ſo free as to declare they have actually ſeen an oath on his lips when he preſided on the woolſack, though it was never known to eſcape further. One occaſion, however, was marked with language too expreſſive to paſs unnoticed.

The Speaker, ONSLOW, who attended with the moſt ſcrupulous regard, both in public and private, to the dignity

ſame diſdain of the Graces, and even of decency; the ſame intrepidity and *apparent* integrity. Art may indeed be concealed under this veil: it is of a fine, but *tranſparent* texture; and the *diſcerning eye* may diſcover through the aperture the deception it conceals.

The following lines of SHAKESPERE ſeem not inapplicable to his Lordſhip:

"This is ſome fellow, who having been praiſed "for bluntneſs, doth affect a ſaucy roughneſs, and "conſtrains the garb quite from its nature—*he* can't "flatter—*he*, an honeſt mind and plain—*he* muſt ſpeak "truth—an' they will take it—ſo—if not—*he's* "plain."

The

nity of his character, was complaining, on his arrival later than uſual at the Houſe of Commons, on ſome day of important buſineſs, That he had been ſtopped in Parliament-ſtreet, owing to the obſtinacy of a carman; and was told that the Lord Chancellor had experienced a conſiderable delay from the ſame cauſe. "Well, (ſaid the Speaker) "did

The remaining part of his character, as given in a very excellent periodical publication, is so accurate and just, or at least so exactly coincides with our ideas, that we shall conclude our *Sketch* of his Lordship with a transcript of it.

"The world has done sufficient justice to the character of Lord THURLOW, which being examined in the detail, may perhaps rather call for some abatement to the extravagant applause given it, than to any additional eulogium. As a *Politician*, he seems to stand the fairest chance of descending to posterity with reputation, though he probably possesses little more than the usual narrow information belonging to those of his profession. In his conduct as a Senator, he has distinguished himself by so decided,

"did not his Lordship shew him the Mace, and strike him "dumb with terror?"—"No, (it was replied) "he did "not; but he swore *by God, that if he had been in his pri-* "*vate coach, he would have got out and beat the damned* "*rascal to a jelly.*——"

decided, ſo confident a degree of ſuperiority, that he has received credit for abilities, the exiſtence of which may be queſtioned without the ſmalleſt indecency.

It is certain, that little advantage has ariſen to the public from any of his political exertions; and we are yet to learn wherein his talents, as a Legiſlator, are to be diſcovered. He has, however, a quickneſs of parts well ſuited to public debate, and a cool determined manner, well adapted to obtain an aſcendance over imbecility, to puſh boldly all advantages, and to ſecure a retreat with credit, when oppoſed by ſuperior powers. As a Lawyer, his knowledge is inferior to many; and had his riſe depended on his profeſſional advantages, *another* muſt have now preſided in the Court of Chancery.

It has been the misfortune of this country, that the legal and political characters have been lately ſo blended, that more attention

tention has been paid to the latter than the former, and often at the expence of it. This was not formerly the case; and we pronounce, without hesitation, that the public suffers by the unnatural union. Let those who have been long anxiously looking for decrees in the Court of Chancery, be asked their sentiments of a Political Chancellor: They will paint their misery in such colours, as must convince every impartial person that the supremacy in the House of Lords, and in the first Court of Equity, should not be in the same person. —Many lawyers have suggested the prevalence of a species of *indecision* totally inconsistent with any very comprehensive knowledge of jurisprudence, and totally different from the general mode of proceeding in all other situations. The practisers complain of the petulance and illiberal treatment they frequently meet with, and the surliness and ill-nature which is often to be seen in public; and those who remember the patience, the good humour, and po-

liteness of the Lords HARDWICKE and CAMDEN, are perpetually drawing comparisons by *no means favourable* to * THURLOW.

* The ingenious and learned Author of the Preface to *Bellendenus* having very happily pourtrayed several striking features in his Lordship's character, has the following conclusion, which, from *an entire coincidence of sentiment and opinion*, is here transcribed :

" If he should ever peruse *my* sentiments of his character, I would desire him not *to shake his tremendous head at me*;—the severe and forbidding manner with which he ever addresses himself to others, will probably excite his indignation when directed against himself: I care not if he shall think me to have spoken of him with too much bitterness, it is the fair and reasonable consequence of the conduct that provoked it."

ANOTHER of his Lordship's Biographers has pourtrayed him as follows :

" IN times less favourable to genius and freedom, the haughty Barons, and still more haughty Bishops, administered justice to their trembling vassals. Nobility and priesthood were the only criterions of merit, and high birth and the ecclesiastical *tonsure* seem to have assumed a prescriptive right over the noble science of jurisprudence.——In this more liberal age hereditary pretensions are forced to give way to personal worth, while the fortuitous advantages

ges arising from fortune and descent, maintain but a feeble competition with the nobler endowments of the mind. This position is no where better illustrated than in the profession of the law, as several of its members, unsupported by any other claim than those of their own merit and abilities, have, during the present century, ennobled themselves and their posterity.

"Let it be recorded to their honour, that within this period, two of the greatest characters in this kingdom have risen from the desks of Attornies; while, if we believe common report, a third may be literally said to have jumped from the loom to the Woolsack.

"EDWARD THURLOW, the son of a manufacturer of the city of Norwich, like his great predecessors SOMERS and HARDWICKE, bursting from obscurity by the strength of his own genius, like them too, overcame the obstacles of birth and fortune, and suddenly rose to the first honours of his profession. The finger of the HOUSE of BEDFORD pointed the road to preferment; and at a time when his cotemporaries were struggling with mediocrity, and a stuff gown, the silken robes of a King's Counsel, and the patronage of that illustrious family, inspired him with no common ambition. The powers of his mind expanding with his hopes, the high offices of Solicitor and Attorney-General, which bound the views of some men, seemed to him but as legal apprenticeships, imposed by custom, before he could attain to that dignity, which was to give him precedence of every lay-subject in the kingdom, not of the Blood Royal.

"The people beheld with pleasure a man suddenly emerging from among themselves, and enjoying the highest offices

offices of the state; his triumph seemed to be their own. Indulged their passion to see plebeian merit coping with aristocratical pride, and united, but acknowledged worth, confessing, by its participation, lustre on degenerate nobility. When they saw him, too, supporting his newly acquired honours with a dignity which they imagined had only appertained to hereditary grandeur; and beheld him in his contest with the head of the House of GRAFTON, stating his own merits in competition with ducal honours, and weighing the fair claims of genius and learning, in opposing the meretricious, though Royal descent, every good citizen partook of his honest pride, and participated in his victory.

"Seated on the Chancery Bench, the eyes of mankind were fixed upon him. The iron days of equity were thought to be passed; and it was fondly expected, that the epoch of his advancement would be the commencement of a golden age. The nation felt that they had long groaned under the dominion of their own Chancellors. The slowness of their proceedings had mouldered insensibly away, in the pleadings of two centuries, some of the fairest fortunes in the kingdom; and the subtleties of the civil law had involved, in the voluminous mazes of a Chancery bill, rights and claims, which the municipal courts would have immediately recognized.

"At once haughty and indolent by nature; attached to a party, and distracted by politics; with a mind fitted to discountenance, abuse, and appal oppression, Lord THURLOW disappointed their expectations; and, by his conduct, forcibly illustrated that great legal axiom, that the duties of the Woolsack and the Chancery are incompatible.

"A change

"A change of ministry taking place, the CHANCELLOR was suddenly dismissed; and the man who had risen with the approbation of mankind, retired amidst the clamours of the nation.

"Restored to his high office by another change, as sudden as his dismission had been precipitate, if his inactivity had been still the same, yet his personal conduct seemed to be greatly altered. Exiled from power, he had been taught by retirement what other men have not learned by adversity; and his present attention to business, and politeness to the gentlemen at the Bar, afforded a happy contrast to his former behaviour.

"The character of the CHANCELLOR seems to be developed in his countenance, by an outline at once bold, haughty, and commanding. Like HALE, he is negligent of his person; like YORKE, he has swerved from his party; BUT LIKE HIMSELF ALONE, HE HAS EVER REMAINED TRUE TO HIS OWN PRINCIPLES.

"As an orator, his manner is dignified, his periods are short, and his voice at once sonorous and commanding. More nervous than CAMDEN, more eloquent than RICHMOND, more masculine than SYDNEY, he is the sole support of the Minister in the House of Peers. Like an insulated rock, he opposes his sullen and rugged front to the storm of debate, and remains unshaken by the whirlwind of opposition.

"Better acquainted with books than with men, as a politician, his knowledge of foreign affairs is narrow and confined; he is, however, well informed of the domestic and immediate concerns of the empire. Warmly attached

to

to the prerogative, he brands reform with the name of innovation; and is fond of urging the wholesome regulations of our ancient laws, in opposition to the improvements of modern projectors.

"His attachment to his Sovereign is personal, and at least equals his attachment to prerogative. Take his own words on a recent and important occasion:—*When I forget my King* (says he) *may God forget me!*". The sentiment was strongly expressive of the feelings of gratitude. It did honour to his heart, and certainly will not injure his preferment.

"As a judge, his researches are deep, and his decisions are confessedly impartial: none of them however, have procured him celebrity.

"As a *legislator*, he has as yet acquired no reputation; and notwithstanding a voluntary proffer of his services has made no alteration in the laws respecting the imprisonment of *insolvent debtors*, whom he has treated with a violence that savours of the rigour of justice rather than the mildness of humanity.

"His enemies, who hate him with rancour rather than enmity, dare not question his integrity, nor can they charge him with any action deserving of reproach. His friends, who love him from esteem rather than affection, avow the greatness of his deserts, yet find it difficult to fix his particular merits. In fine, his character is still negative and undetermined: with powers fitted for any thing, he has as yet done nothing, and although he seems the wonder of the present age, will, perhaps, scarce meet with the notice of posterity.

"His

" His great predeceſſors have erected the nobleſt monuments to their fame, by attention to the happineſs, the intereſts, and the welfare of their fellow-citizens. Lord Chancellor HARDWICKE planned the bill for aboliſhing the Heritable Juriſdictions in Scotland! Lord Keeper GUILDFORD had a principal hand in the ſtatute of Frauds and Perjuries, of which the Lord NOTTINGHAM obſerved, " That every line was worth a ſubſidy." Lord Chancellor SOMERS projected the act of union betwixt England and Scotland, and a bill to correct ſome proceedings, both in common law and equity, that were dilatory and chargeable.

" Theſe were ſervices that at once claimed and ſecured immortality.

" The life, however, of the preſent CHANCELLOR, if it is deſtitute of eulogium, is yet not without its moral, as his ſucceſs will naturally ſtimulate the exertions of induſtry, and invigorate the efforts of genius. But let this character teach thoſe who dare to conſider ſucceſsful ambition, not as the end, but as the road only to true greatneſs, that nothing but ACTIVE WORTH can form the good citizen, and the great lawyer."

THE RIGHT HONOURABLE

WILLIAM EARL MANSFIELD.

Gath'ring his flowing robe, he seem'd to stand,
In act to speak, and graceful stretch'd his hand.

POPE'S TEMPLE OF FAME.

THE Life of the EARL of MANSFIELD would exhibit a very curious and desirable piece of Professional * Biography; but

* A modern Biographer being desirous of writing, among others, the Life of Lord MANSFIELD, entreated his Lordship to furnish materials, in addition to those he already had, as he wished to perpetuate the memory of so great a Luminary of the Law. The answer given by his Lordship was as follows :—" My success in life is not very remarkable; my father was a man of rank and fashion; early in life I was introduced into the best company, and my circumstances enabled me to support the character of a man of fortune. To these advantages I chiefly owe my success; and therefore my life cannot be very interesting; but if you wish to employ your abilities in writing the life of a truly great and wonderful man in our profession, take the

but marking only a *very faint outline* of this exalted Character (and we profess no more) with sufficient *comprehensive* propriety, would require a review of every striking political and legal incident in Parliament, and the Courts of Justice, during the present and preceding reigns, and would consequently very far transcend our limits. MANSFIELD is a constellation that has illumined *both*; equally the pride of Sovereignty in GEORGE the SECOND, and GEORGE the THIRD.

Genius is of no country, in other words, it is not exclusively confined to any, but found occasionally in all;

"From Indus to the Pole."

Lord MANSFIELD was born in *Scotland*.* The goddess *Suada*, very early enthroned

the life of Lord HARDWICKE for your object; he was indeed a wonderful character—he became Chief Justice of England and Chancellor, from his own abilities and virtues—for he was the son of a peasant."

* He was educated at Westminster School; and went afterwards to Christ Church College, Oxford, in 1724, where

throned herſelf upon his lips. He gave the earlieſt indication of a fine genius, and of a diſpoſition to cultivate it by application. It is yet the traditionary tale of his country, that, almoſt in infancy, he was accuſtomed to declaim upon his native

where he continued many years, and took the degree of Doctor of Laws. In 1728, he made a celebrated Exerciſe in verſe, to which the firſt prize was adjudged.—A very elegant picture of his Lordſhip, as large as life, is over the door in the hall, which is triumphantly ſhewn to all ſtrangers. After a ſhort time ſpent in travel, he ſtudied the Law in Lincoln's-Inn, and was called to the bar in 1731. He came into full buſineſs immediately :—there was no interval between his firſt appearance and his being univerſally reſorted to upon all matters of conſequence. The ground which fortune had given him, he maintained with great applauſe : he grew every day in reputation, and made a ſhining figure at the bar on every public, ſolemn, and intereſting occaſion. In November, 1742, he was appointed Solicitor General. He was member of the Houſe of Commons from that time till he was called to the Houſe of Peers, and took a diſtinguiſhed part in all debates of conſequence.—In April, 1754, he was made Attorney General.—It is ſtill remembered, that during the time he held his office, he ſucceeded in many cauſes, civil and criminal, for the King, and never loſt one ; becauſe he made it a rule that the King ſhould always be clearly in the right ; and the moment the caſe appeared doubtful, he threw it up.

In

tive mountains, and repeat to the envied winds the moſt celebrated ſpeeches of DEMOSTHENES and CICERO, not only in their original text, but in his own inimitable tranſlations of them.

His

In November, 1756, he was appointed Chief Juſtice, and immediately after being ſworn into office, the Great Seal was put to a patent, creating him BARON of MANSFIELD, in the county of Nottingham, with limitation to the heirs male of his body. From that time the buſineſs of the Court of King's Bench was immenſe. His Lordſhip was immediately ſworn of the Privy Council, who for many years almoſt ſingly relied upon him in the determination of all cauſes relative to prizes and the plantations. The preciſion, the impartiality, the conſummate knowledge, the clear diſcernment and diſpatch with which theſe cauſes have been determined, are the admiration of the world; and though the number has been almoſt incredible, the value prodigious, and frequently the moſt difficult, arduous, and important, the captors, and all parties concerned, have acquieſced in the juſtice, wiſdom, and propriety of his determinations.

His Lordſhip was called to the Cabinet Council of the late King, and of his preſent Majeſty, by whom he was created an Earl, in October, 1776. In April, 1757, he was appointed Chancellor of the Exchequer; and was afterwards one of the Commiſſioners of the Great Seal, and preſided in Chancery, the admiration of the Court and of the World.

His accomplishments as a gentleman, were not inferior to his acquisitions as a scholar. He is painted by the great British Bard, as possessing both in their fartheſt extent, as

"Equal the injur'd to defend,
"To charm the Miſtreſs, or to fix the Friend."

His fame will be co-eternal with the Engliſh language. POPE has recorded it, and lamented his ſeceſſion from the ſervice of the Belles Lettres and the Muſes, to the profeſſion of the law, in this memorable line—

"How ſweet an OVID was in MURRAY loſt!"

And had he not been in ſome degree formalized by the ſhackles of a law education, and extended his ſtudies to thoſe, emphatically called "*Literæ Humaniores*," there is no doubt of his having ſtood firſt in that walk of literature. He was the delight and ornament of the drawing-room, and his company equally ſought by the gay and the ſerious. A certain ſuavity of manners the moſt poliſhed and engaging, accompanied

by peculiar charms of converſation, operated like the power of the loadſtone, to univerſal attraction.

Fame inſtantaneouſly announced his "Call to the bar," and diſtinguiſhed him as unrivalled in oratory, at an æra too, when the followers of the profeſſion were *Goliahs* of ability and power. It was very early after his appearance in his profeſſional character, that he was employed on an important occaſion, at the bar of the Houſe of Commons; where he ſo eminently diſtinguiſhed himſelf, that Sir ROBERT WALPOLE declared the merit of his ſpeech to be ſo great, that it almoſt appeared to him to be an oration of CICERO. Mr. PULTENEY in the ſame inſtant roſe to complete the eulogium, by obſerving, that he not only could imagine the ſpeech which had been juſt delivered was the compoſition of CICERO, but that the Roman orator had himſelf pronounced it. Thus theſe two great men, who hated and oppoſed each other with ſo much rancour, *in this ſingle*

inſtance

instance united, to compose the most brilliant panegyric, that was, perhaps, ever bestowed on rising merit. The splendour of glory which he obtained by his campaigns at the bar, had no parallel.

In his *political oratory*,* (as a SPEAKER in the House of Commons) if he was not without a rival, no one had the honour of *surpassing* him; and let it be remembered, that his competitor was PITT.

The Rhetorician that addressed himself to TULLY in these memorable words, "*De-*

* In 1766, he opposed the measures of government under Lord ROCKINGHAM, particularly in the famous question on the Repeal of the Stamp Act. The celebrated Protest which followed the Repeal, was said to have been drawn up under his Lordship's immediate inspection, and was looked upon at the time as one of the most able performances ever entered on the Records of Parliament. In 1767 he supported the Port Duties, proposed in the House by the Chancellor of the Exchequer. In 1770, he supported the partial repeal of those duties, and continuing the duty on tea.

"*Demosthenes tibi præripuit, ne primus esses*
"*orator, Tu illi, ne solus,*" anticipated their application to MANSFIELD and PITT.—If the one possessed DEMOSTHENEAN fire and energy, the other was at least a CICERO. Their oratory differed in species, but was equal in merit. There was at least no superiority on the side of PITT. —MANSFIELD's eloquence was not indeed of that daring, bold, declamatory kind, so irresistibly powerful in the momentary bustle of popular assemblies; but it was possessive of that pure and attic spirit, and seductive power of persuasion, that delights, instructs, and *eventually* triumphs. It has been very beautifully and justly compared to a river, that meanders through verdant meads and flowery gardens, reflecting in it's chrystal bosom the varied objects that adorn it's banks, and refreshing the country through which it flows.

To illustrate his oratory by example, would require voluminous transcripts from the

the records of Parliament,* and it is unnecessary, as we can appeal to *living* recollection.

When he speaks,
The air, a charter'd libertine, is still,
And the mute wonder lurketh in men's ears,
And steals his sweet and honied sentences.—
Hear him but reason in divinity,
And all-admiring with an inward wish,
You would suppose him the most learned prelate:
Hear him debate of commonwealth affairs,
You'd say it hath been all-in-all his study.
List his discourse of war, and you shall hear
A fearful battle rendered you in music.
Turn him to any cause of policy,
The Gordian Knot of it he will unloose,
Familiar as his garter.

SHAKESPEARE.

Having added weight and dignity to the seats of *Attorney* and *Solicitor General*, his reputation as a *speaker*, a *lawyer*, and a *politician*, elevated him to the Peerage, and the exalted post of *Chief Justice of England*. He ascended to the dignities of state by rapid strides: they were not bestowed by the caprice of party favour, or affection. They were (as was said of PLINY) liberal dispensations of power upon an object that knew how to add new lustre to that power, by the rational exertion of his own.

Here

* See the parliamentary debates, EVERY WHERE.

Here we can ſpeak of this great man within our own recollection; and however party-prejudices may adopt their different favourites, and each contend in detracting from the merit of the other, it is, we believe, generally underſtood, that *precedence* is allowed to the EARL of MANSFIELD, as the firſt magiſtrate that ever ſo pre-eminently graced that important ſtation. The wiſdom of his deciſions, and unbiaſſed tenor of his public conduct, will be held in veneration by the ſages of the law, as long as the ſpirit of the conſtitution, and juſt notions of equity continue to have exiſtence. No man has in an equal degree, poſſeſſed that wonderful ſagacity in diſcovering chicanery and artifice, and ſeparating fallacy from truth, and ſophiſtry from argument, ſo as to hit *the exact equity of the caſe*. He never permitted juſtice to be *ſtrangled* in the nets of form.

His memory was aſtoniſhing; he "never (when ſitting upon the bench) "took any notes, or if he did, ſeldom or ever "conſulted

"consulted them." His * references to expressions which fell from him in the course of debate, and his quotations from books, were so faithful, that they might have been said to have been repeated *verbatim*. The purposes to which he employed these amazing talents, were still more extraordinary: if it was the weak part of his opponent's arguments that he referred to, he was sure to expose its fallacy, weakness, or absurdity in the most poignant satire, or hold it up in the most ridiculous point of view. If, on the contrary, it were a point on which his adversaries lay their chief stress, he stated the words correctly, collected their obvious meaning, considered the force of the several arguments that had or might have been raised upon them, with a precision that would induce an auditor almost to suppose that he had previously considered the whole, and that his speech was the result of much previous study and deliberation.

* See Review of Political Characters, 8vo. 1777.

It

It may be said of MANSFIELD as of VIRGIL,* that if he had any faults, they might be considered in the same manner with those of some eminent fixed star, which, if they exist at all, are above the reach of human observation. The luminous æther of his life was not obscured by any shade dark enough to be denominated a defect. On account of his descent, local prejudices and propensities were imputed to him, and his conduct on that account examined with a *microscopic* eye,† but the optic through which it was viewed, possessed a *party tinge* equally odious and deceptive.

His political principles were ever *consistent*; and to preserve *consistency* in such stations and in such times as occupied the life of MANSFIELD, constitute an *ordeal* strongly impressive of virtue. It has been said that he wanted spirit! Is the uniform opposition

* See Burton's Classical Remains, Tit. VIRGIL.

† See the celebrated *corrosive* Letters of JUNIUS.

opposition of popular opinion, and apparently the contempt of it, any proof of the assertion? His speech and conduct in the affair of WILKES's outlawry, when popular prejudice ran in torrents, illustrate each other; the lustre of his eloquence was something more than human; and the *firm integrity* of the judge was the emanation of a Divinity.* Here DEMOSTHENES

* *Extract of his Lordship's Speech, &c.*

"If I have ever supported the King's measures; if I have ever afforded any assistance to Government; if I have discharged my duty as a public or private officer, by endeavouring to preserve pure and perfect the principles of the constitution; maintaining unsullied the honour of the courts of justice, and, by an upright administration *of*, to give a due effect *to* the laws, I have hitherto done it without any other gift or reward than that most pleasing and most honourable one, the conscientious conviction of doing what was right. I do not affect to scorn the opinion of mankind; I wish earnestly for popularity; I will seek and will have popularity; but I will tell you how I will obtain it; I will have that popularity which *follows*, and not that which is *run after*. 'Tis not the applause of a day, 'tis not the huzzas of thousands, that can give a moment's satisfaction to a rational being; that man's mind must indeed be a weak one, and his ambition of a most depraved

nes and TULLY shrink from the comparison; here acknowledged superiority stands

praved sort, who can be captivated by such wretched allurements, or satisfied with such momentary gratifications. I say with the Roman orator, and can say it with as much truth as he did, "*Ego hoc animo semper fui, ut invidiam virtute partam, gloriam, non infamiam, putarem.*" But threats have been carried further; personal violence has been denounced, unless public humour be complied with. I do not fear such threats; I don't believe there is any reason to fear them; 'tis not the genius of the worst of men in the worst of times to proceed to such shocking extremities: but, if such an event should happen, let it be so; even such an event might be productive of wholesome effects; such a stroke might rouse the better part of the nation from their lethargic condition to a state of activity, to assert and execute the law, and punish the daring and impious hands which had violated it; and those who now supinely behold the danger which threatens all liberty, from the most abandoned licentiousness, might, by such an event, be awakened to a sense of their situation, as drunken men are oftentimes stunned into sobriety. If the security of our persons and property, of all we hold dear and valuable, are to depend upon the caprice of a giddy multitude, or to be at the disposal of a mob; if, in compliance with the humours, and to appease the clamours of those, all civil and political institutions are to be disregarded or overthrown, a life, somewhat more than sixty, is not worth

pre-

stands confessed; here the exulting BRITON may exclaim—

Cedite Romani, cedite Graii!

He despised (to borrow an expression of his own) that mushroom popularity that is raised without merit, and lost without a crime:—he disdained being the slave of popular impulse, or to acknowledge the shouts of a mob for the trumpet of fame.

Another instance, at least, of great personal courage, was the unpopular maxim that he struggled to introduce into common acceptation respecting the incapacity of juries to determine in cases of libel further than the fact of publication. This doctrine excited a general perturbation without, and an extensive execration within doors: a doctrine which divided the opinions

preserving at such a price; and he can never die too soon, who lays down his life in support and vindication of the policy, the government, and the constitution of his country."

nions of men, who were apt, on *all other* occasions, to coincide with his Lordship, and to take his word with as ready currency as the coin of the kingdom.*

As

* The construction that his Lordship endeavoured to put on the verdict given by the jury in Woodfall's trial, and his conduct on the Bench, when an arrest of judgment was moved for, were much reprobated at the time. Lord Chatham's speech on the occasion, in Dec. 1770, is yet remembered: it ran to this purport: "My Lords, the verdict given in Woodfall's trial was *guilty of printing and publishing* ONLY; upon which two motions were made in Court, one in arrest of judgment by the defendant's Counsel, grounded on the ambiguity of the verdict, the other by the Counsel for the Crown, for a rule upon the defendant to shew cause why the verdict should not be entered up, according to the legal import of the words. On both motions a rule was granted; and, soon after, the matter was argued before the Court of King's Bench. The noble Judge, when he delivered the opinion of the Court upon the verdict, went regularly through the whole of the proceedings at *Nisi Prius*, as well the evidence that had been given as his own charge to the jury. This proceeding would have been very proper, had a motion been made on either side for a new trial; because either a verdict given contrary to evidence, or an improper charge by the Judge at *Nisi Prius*, is held to be a sufficient ground for granting a new trial. But, when a motion is made in arrest

As a Speaker in the House of Lords, where was his competitor? The grace of his action, the fire and vivacity of his looks, are still present to imagination: and the harmony of his voice yet vibrates in the ear of those who have been accustomed to listen to him,

His Lordship possessed the strongest powers of discrimination:—his language was elegant and perspicuous, arranged with the happiest method, and applied with

rest of judgment, or for establishing the verdict, by entering it up according to the legal import of the words, it must be on the ground of something appearing *on the face of the record*; and the Court, in considering whether the verdict shall be established or not, are so confined to the *record*, that they cannot take notice of any thing that does not appear on the face of it; in legal phrase, *they cannot travel out of the record*. The noble Judge did travel out of the record; and, I affirm, that his discourse was *irregular, extra-judicial*, and *unprecedented*. His apparent motive for doing what he knew to be wrong was, that he might have an opportunity of telling the public *extra-judicially*, that the other three Judges concurred in the doctrine laid down in his charge."

with the utmost extent of human ingenuity. His images were often bold, and always just; but the character of his eloquence is that of being *flowing*, *soft*, *delightful*, and *affecting*. His genius, says a modern writer, is comprehensive and penetrating, and when he judges it necessary, he pours forth sounds the most seductive, equally calculated to persuade and to convince. Among his more rare qualifications (says he), may be added the external graces of his person, the piercing eye, the fine-toned voice and harmonious elocution, and that happy arrangement which possesses all the accuracy and elegance of the most laboured compositions. He was modest and unassuming; never descending to personal altercation, or replying to personal reflections. He preserved his own dignity, and that of the House over which he had very deservedly, for a great number of years, an uncontrolled and almost an unlimited influence.

His

His Lordſhip quitting the profeſſion, by abdicating his ſeat * upon the Bench, of which he had been thirty years an illuſtrious ornament, exhibited a very affecting and awful ſcene. We ſee the *children* of eloquence taking a laſt farewell of their *parent*. He retired full of glory; the rays of which lend a luſtre to the ſhade of his retreat, and beam forth their ſplendor round him.† His relinquiſhment of office, forms an important epoch in the annals of Engliſh jurisprudence.

* See the letters that paſſed between his Lordſhip and the BAR, through Mr. ERSKINE.

† His Lordſhip is ſuppoſed immenſely rich. The principal part of his property is ſaid to be inveſted in mortgages, to the amount of 250,000l. in Ireland.

His Lordſhip ſuffered greatly during the riots of 1780, for which however, he nobly refuſed all reparation. The following is a copy of his Lordſhip's letter to Mr. KERNE upon the ſubject, dated 21ſt Auguſt, 1780.

"SIR,

"I am extremely obliged to you, for your attention in calling upon me before I went the circuit, and laſt Friday again ſince my return, and in now communicating to me, by

jurisprudence. This great and superior person, the rare endowments of whose mind have so long and so deservedly sustained him in the seat of the Chief Criminal Justice of England, has seen his popularity

by your letter of Saturday, the unanimous vote of the House of Commons of the 6th July, and the reference of the Lords of the Treasury of the 18th July to your Board, and desiring me to enable you to comply with the order of the Lords of the Treasury; and so far as I am concerned, I return you my thanks for your great civility.

"Besides what is irreparable, my pecuniary loss is great—I apprehended no danger, and therefore took no precaution; but how great soever that loss may be, I think it does not become me to claim or expect reparation from the state. I have made up my mind to bear my misfortunes as I ought, with this consolation, that it came from those whose object manifestly was general confusion and destruction at home, in addition to a dangerous and complicated war abroad. If I should lay before you any account or computation of the pecuniary damage I have sustained, it might seem a claim or expectation of being indemnified, therefore you will have no further trouble from

"Your most obedient,

"Humble servant,

"MANSFIELD."

rity survive even the rude attacks of *Junius*, and bloom anew in the evening of his life. We now view him, like the great luminary of the world, gently descending to the west, with all his magnitude, but without his effulgence, diffusing a mild and delightful influence, in exchange for the lustre of his pristine radiance. * The laurel is yet alive upon his venerable

* Others have held a very different opinion of this great Character, and therefore it is but fair to subjoin a *sketch* drawn some years back, by a different master possessed of very different sentiments, and who has laid on his colours with a very bold hand:

"Lord MANSFIELD is perhaps the only man in England whose capacity never has been disputed. In this respect, courtiers and patriots alike have been lavish in his praise. His talents, notwithstanding, are somewhat equivocal; and, if carefully examined, will be found to be below that standard at which they have been fixed by a long and vulgar prescription. The nervous oratory of Lord Chatham has not unfrequently disconcerted him; and when opposed by the cultivated powers of Lord Camden, his agitation discovered that he dreaded him as a superior. Master of a most

venerable brow, but must be very soon transplanted from his temple to his tomb.

It is now generally understood, that new Courts of Justice, and a House of Parliament are about being erected, in lieu of that venerable pile which has been the pride of so many ages. This looks like the effect

a most refined plausibility, he has been artful enough to acquire a high reputation, and prudent enough to support it. But talents like these are ever possessed by men of confined capacities alone. An imposing manner, an insinuating voice, and the quickness of his eye, are the chief ingredients of his eloquence: with these charms he fascinates the unsuspicious, and deceives the undiscerning. Hence his speeches, when examined in the closet, are no longer eloquent; they do not convince us, they do not please. We are surprised how we could have heard with applause, what we read without approbation. We discover in them no ingenuity, no strength of argument, no force of thought, no eloquence of expression.

"The rapidity with which he proceeded in the decision of suits has been ascribed to the acuteness of his parts; it was a consequence, however, of his experience in business; and while he has been seduced by it to pronounce suspicious,

effect of *sympathy*, as if the old hall mourned his absence, and, unable to survive the loss of so much eloquence and virtue, im-

suspicious, and sometimes contradictory judgments, it will prove a source of fruitful mistake to his successors. More versant in the Roman than in the English jurisprudence, he is guided more by general rules of equity than by principles of law. He is apt to assume an unpardonable latitude in the interpretation of statutes, and to decide upon them not as they are, but as he conceives they ought to be; he would submit the acts of the legislature to the discretion of a judge. A favourer of arbitrary power by education and principle, he is continually opposing his talents to the interests of liberty. In a situation where he might advance the good of his country, he plans its destruction. While he might preserve the essential parts of the constitution, he sacrifices his integrity to party. While he ought to be moderate, he is extravagant: his prejudices triumph over his reason; his passions over his duty. He fosters by his counsels the distraction of a nation, and gives rise to those perpetual indiscretions that disgrace government. His hesitation and irresolute temper he seems to have communicated to the members of administration: measures are adopted, now daring and atrocious, now timid and scrupulous; now marked by the boldest characters of tyranny, and now wearing the meanest aspect of slavery.

* A reputation, for which he has been indebted to the extent of his memory, and to the possession of showy, rather than

immediately drooped and decayed on removal of it's greateſt ornament.

Conſpicuous ſcene! another yet is nigh,
More ſilent far, where Kings and Poets lie;
Where *Murray*, long enough his country's pride,
Shall be no more than *Tully* or than *Hyde*.

---

than of ſolid, parts, muſt neceſſarily decline. His avidity of fame will be puniſhed by abundance of contempt, and his thirſt of power will be quenched by general execration. The favour of his Sovereign will not preſerve him from the deteſtation of the world."

A VERY LITTLE DISINTERESTED AND DISPASSIONATE ENQUIRY IS, HOWEVER, SUFFICIENT TO OBVIATE THE GROUNDLESS CHARGES WITH WHICH THIS CHARACTER OF HIS LORDSHIP IS SO PREGNANT.

The moſt general charge againſt Lord Mansfield, as a Judge, has been, that he attempted to change the King's Bench, a Court of Common Law, into a Court of Equity; and that, inſtead of thoſe poſitive rules by which the judgment of a Court of Law ſhould be invariably determined, he has introduced his own notions of *equity* and *ſubſtantial juſtice*.

Whether this charge be true or falſe, it is certainly the moſt ſingular that ever was brought againſt a common law judge. It has conſtantly been conſidered as the reproach of

of the men of this order, that they love to adhere to *law* in oppofition to *equity*; that they would rather kill by the *letter* than fave by the *fpirit*; and that they always murmur, and fometimes clamour, let reafon determine ever fo rightly, if it determines otherwife than the law directs.

An example may here be of ufe. The trial of Sir William Friend, Sir William Parkyns, and others, on the affafination plot, came to be heard after the bill for the provifion of counfel learned in the law had received the royal affent, but before the commencement of its operation as a ftatute.

" I intreat," faid Parkyns, " that I may have the allowance of counfel: I have no fkill in indictments: I do not underftand thefe matters; nor what advantages may be proper for me to take. The new ftatute wants but one day. What is juft and reafonable to-morrow, furely is juft and reafonable to-day:—and your Lordfhip," addreffing himfelf to the Chief Juftice, "may indulge me in this cafe."

" But," fays the humane author of the *principles of penal laws*, " Chief Juftice Holt was too good a *Judge* to suffer the ftubborn maxims of *Law* to yield to the milder interpretations of *Equity*."

" We cannot," he replied, " alter the law till law-makers direct us: we muft conform to the law as it is at prefent, not what it will be to-morrow."

This, as far as I can learn, has been at all times the temper of lawyers: they are not only angry when things are

are done against forms, but when they are done without them! they hate to have any cause determined by equity. Why?—it will perhaps be asked—Not, I presume, from any natural aversion to equity, for it would be absurd to suppose a disposition peculiar to any order of men; but from its tendency to supersede law. All orders hate, and ever will hate, whatever tends to lessen the consequence of their profession. Divines hate morality, when opposed to religion; and physicans hate regimen, when opposed to medicine.

Human nature upon this head is uniform. "Reverence "yourself," is a maxim in philosophy. Now man's second self is his profession; nay, in fact, it is often his first: and no body of men have ever reverenced themselves more sincerely as an order, than the professors of the law. If Lord Mansfield therefore has, at times, departed from the *letter*, that he might adhere to the *spirit* of the law; if, in a court of common law, he has occasionally judged cases according to the rules of equity; or, as his enemies do him the honour to call it, *substantial justice*; he can only be supposed to have acted from a principle of conscience; as he could never hope, by such a conduct, to rise in the opinion of the bar, while he exposed himself to the censure of ignorance, malevolence and envy.

Another charge, and a very weighty one, against his Lordship is, that he meant to destroy the Liberty of the Press, which has been justly called the *Palladium* of all the civil, political, and religious rights of an Englishman; and it has been further said, that no particular abuses

ought

ought to produce a forfeiture of this liberty, I shall not pretend to determine whether they *ought* or not; but if our licentious manners continue, they most assuredly *will*: for never did an envenomed scurrility against every thing sacred and civil, public and private, rage throughout any kingdom with such a furious and unbridled licence.

The constitution of things is such, that extremes inevitably produce extremes. The abuse of any thing necessarily destroys its use. If a people grow licentious and ungovernable, it is as natural perhaps, as necessary, for their Rulers to increase restraint, as it is for a rider to tighten the reins, in proportion to the curvetting and unmanageableness of his horse.

A third charge against Lord Mansfield is, that he invaded the constitutional power of Juries, by confining their judgment to the *matter of fact*, and not suffering them to touch upon the *matter of law*.

Trial by Jury is an essential part of our constitution, but many people think it highly absurd, that such persons as usually compose a jury should be made judges in matters of law; and would by all means confine their judgment to the *matter of fact*. If this, therefore, should be his Lordship's opinion, as perhaps it in great measure is, he is by no means singular in it. All our law books insist upon vicinity, as the prime and essential qualification of a jurymen; that is, that he be chosen out of the neighbourhood where the fact is supposed to have been committed: *de vicineto, ubi factum supponitur*, says Fortescue: because, as they write, *vicinus facta vicini præsumitur scire*, the nearer

the

the fact, the more perfect may be supposed his knowledge of it; but they say little or nothing of his qualifications in law; and consequently include only half the idea of a jury-man, according to those who would have him a judge of *law*, as well as of *fact*.

There is a passage in Bracton, which seems to shew, that in Henry the Third's time, it was the duty of the judge to control the verdict of the jury; and Lord Clarendon declares himself positively, that the jury are not to judge of the *law*; and speaks contemptuously of Hobbes for making them judges of *law*, as well as *fact*. But however Hobbes may have forgot himself in the passage which his Lordship censures, he elsewhere expressly says, "That these twelve men, the jury, are no court of equity or of justice; because they determine not what is "*just* or *unjust*, but only whether it be *done* or *not*: and "their judgment is nothing else but a confirmation of "that which is properly the judgment of the witnesses."

To these respectable authorities, I shall add that of the great Montesquieu, who resided some time in England; and in his admirable work, The Spirit of Laws, says, "*En "Angleterre, les jurés decident, si l'accusé est coupable ou non "du* fait, *qui a été porté devant eux.*"—"In England, juries determine whether or not the accused is guilty of the *fact* brought before them."

It cannot however be denied, that LITTLETON says, "If the *jury will take upon them the knowledge "of the law upon the matter, they may*;" to which Lord

Lord Coke agrees in his comment on the paſſage: but it ſeems ureaſonable that they ever *ſhould*. How is it poſſible for uninſtructed, though honeſt, and perhaps ſenſible men, to judge of the nature of crimes and puniſhments?—I know indeed it has been ſaid, if they are not judges of *law* as well as of *fact*, how can they pronounce any man *guilty* or *not guilty*? Nothing, in my mind, is more ſimple, unleſs recourſe be had to quibble. The judge explains the nature of the crime; the jury conſequently know the puniſhment due to it; the verdict then follows from the competency or incompetency of the evidence, as diſtinctly as if the original conception of the crime had been their's. I cannot, therefore, ſee how Lord Mansfield is reproachable, for conſidering Engliſh juries in the ſame light with the moſt reſpectable lawyers of the paſt and preſent ages; or how a conſtitutional right can be ſaid to be invaded, while law is doubtful of its validity, and reaſon preſcribes its exiſtence.

After having examined the accuſations brought againſt his Lordſhip in his judicial capacity, let us liſten to what is ſaid of him in his political one. And here we are told he was a Jacobite, and an abettor of deſpotiſm. How inconſiſtent are the enemies of this man! One while they deſcribe him as of powers tranſcendent, knowing and pervading almoſt every thing; as a being of a ſuperior order, incapable of erring, unleſs by deſign. But lo! while we contemplate this extraordinary perſonage, who ſurveys the ſyſtem of human affairs through the medium of pure reaſon, we are ſuddenly preſented with a very different kind of figure from that which filled our hearts with awe. The great being diſappears, and in his place we diſcover a

little

little vulgar mortal, a dupe to prejudices of the meanest kind, and to passions as contemptible as their objects.— What could Lord Mansfield hope for from the Pretender, whose image, we are told, he carried secretly in his bosom, whose person, he is said to reverence and adore? Could he ever expect to have been greater in the Court of Charles the Third, than in that of George the Third? Where it is cause of accusation against him, that while he would be thought to take no share in government, he was in reality the main-spring of the machine. If his Lordship was therefore at the head of the ministry, as well as at the head of the law, it would puzzle a conjurer to see what he could get by a revolution; and to suppose a statesman to forward such an event, without any motives of interest or ambition, is a conceit too absurd to deserve an answer.

THE

THE RIGHT HONOURABLE

The EARL of CAMDEN.

—QUIM TROJA FUIT—FUIT ILLE.—

VIRG.

IT is the obſervation of an elegant Hiſtorian, that there is an ultimate point of *depreſſion*, as well as of *exaltation*, when human affairs naturally return in a contrary progreſs, and beyond which they ſeldom proceed, either in their advancement or decline.—The obſervation applies with equal truth to the human *character*, and *pointedly* ſo, to the character before us. Viewing the *once* great Lord CAMDEN in all his priſtine glory, we are compelled to confeſs,

* SEE the accounts given of Lord CAMDEN, in the Review of Parliamentary Characters, 8vo. 1777. The Royal Regiſter; and European Magazine.

confess, that antiquity boasts *few*, and modern history *none* more illustrious. Perfectly skilled in the laws and constitution of his country, equally eminent in wisdom, and eloquent in debate, CAMDEN was *once* their favoured champion and defender !——*NOW*

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CHARLES PRATT, Earl CAMDEN, is the eighth son of Sir JOHN PRATT, Lord Chief Justice of the Court of King's Bench in the reign of George the First, by his second Lady, ELIZABETH. His father died in 1724, leaving this son an infant, and (as is said) with a slender provision.

He received his education at *Eton*, from whence, in 1731, he was sent to *King's College, Cambrdige*, of which society, he became a Fellow.—In 1735, he took the degree

degree of *Batchelor* of *Arts*, and that of *Master* in 1739; very soon after which, fixing on the law for his profession, he entered himself a Member of one of the Inns of Court.*

He possessed a penetrating and lively genius† that led him, with ease, through the most abstruse studies.—His conception was remarkably quick and clear, and his fine talents highly cultivated.

After

* We believe the Middle Temple—When admitted of Lincoln's-Inn, in 1757, he was one of the King's Counsel.

† This great man is said to be particularly fond of amusing himself with the fairy works of romantic writers; and that *Clelia*, *Cassandra*, and similar productions, have been the favourites of his leisure hours. By the pedantic and phlegmatic, these may be denominated puerile and trifling; but, without entering into a defence of the old writers of romance, which are so superior, in point of instruction, to modern novels, I feel a degree of admiration of those abilities which the barren, dry, and continued pursuits of law erudition cannot subdue into the dullness of professional insensibility, but still preserve a real feeling for the flowers of fancy and the works of genius—*Note in the Royal Register.*

After the usual period of admission, he was called to the bar, where, for several years, his practice was so inconsiderable, as almost to produce despondency; and it is reported, that he gradually beheld his small patrimony mouldering away, without hopes of bettering, or even retrieving his circumstances by professional exertions: and that so inadequate was his encouragement to his expectations, that he had at one period determined at once to abandon his profession and his country. These obstacles were, however, happily removed by perseverance.

About this period, his school-fellow and collegiate friend, Dr. SNEYD DAVIES, addressed his beautiful Poetic Epistle to him, in which, after painting the pleasures of their youthful intercourse, and the transition from that happier period of life to manhood, and its more worldly pursuits, he encouraged him by the examples of COWPER, TALBOT, SOMERS, and YORKE.

Whether

Whether this advice, by stimulating his hopes, added additional elasticity to his professional pursuits, certain it is, that his diligence was soon after noticed and rewarded; and it is recorded of him, that he conducted himself, through the course of great practice, with the highest credit and reputation.

He was a *popular* lawyer, and ever forward to defend the rights of the people. When OWEN was tried for publishing the case of ALEXANDER MURRAY, in 1752, Mr. PRATT was one of his counsel, and signalized himself by a very able constitutional argument on that occasion.

At the general election of 1754, he was chosen member for *Downton*,* and at this period,

* On a bill being proposed in the House of Commons to extend the benefits of the Habeas Corpus Act, which however did not pass, he is said to have written the pamphlet intitled, "An Enquiry into the Nature and Effect of the Habeas Corpus Act." 8vo. 1755.

period, he was certainly considered the most rising advocate at the bar; at a time too, when some of the ablest men then living were exercising their talents on the same ground.

In 1759, Mr. PRATT was chosen *Recorder* of *Bath*,* probably through the interest of Lord CHATHAM, (then Mr. PITT,) between whom a firm, lasting, and well-cemented friendship seems to have subsisted through life.

In the same year, he was appointed, *at once*, without passing the usual gradation, to the office of *Attorney General*, on the advancement of Lord NORTHINGTON to the seals.

In

* His Lordship, some few years ago, took a very active part in the disputes between the subscribers to the upper and lower rooms at Bath. He exerted himself with uncommon ardour in support of the latter, to his general influence adding personal application; and not confining his zeal to private society, he constantly attended the public meetings, where he suggested the measures to be pursued.

In 1760, he was chosen Member for *Bath*; and in 1761 appointed *Chief Justice of the Common Pleas*, and knighted on the death of Sir JOHN WILLES. It was during his presidency in this Court, that WILKES's case came before him for decision; and his determination will ever do him honour, as a just, able, and learned lawyer, and a bold and unbiassed defender of the rights of the people. In the laurelled wreath that binds his brow, this is a *leaf* that will remain for ever green, to adorn the withered bough.

In July, 1765, he was advanced to the dignity of a *Peer of Great Britain*, by the title of Lord CAMDEN, *Baron of Camden*, in the County of *Kent*.

On the 30th of July, 1766, upon the change of ministry, formed by Lord CHATHAM, he was created *Lord High Chancellor*; a post he also held with equal honour to himself, and satisfaction to the

 suitors

suitors and practisers of the Court, until his resignation in the year 1770: but it ought not to pass unrecorded, that soon after his promotion to this high office, the late celebrated *constitutional judge* was heard to defend, *as Chancellor*, a measure *avowedly illegal and unconstitutional.*

The *then Mayor* of *London* (a corn-factor,) had alarmed the ministry with an account of a short crop of corn at home, a failure of the harvest all over Europe, and a rapid exportation under the corn laws. The business was debated in council, *when the exportation was forbid by royal proclamation.* This was considered as more dangerous than even the case of *ship-money*, as an attack on the constitution, and an invasion of the laws. His Lordship defended the measure on the ground of *state necessity*; and, upon this occasion, not only fixed the exercise of the Royal prerogative in the first Magistrate, but endeavoured to invest him with the *option*, WHEN, and ON WHAT OCCASIONS (with the advice

of

of the privy council) that prerogative might be exercised, in contradiction to the known laws of the land, and the acknowledged principles of the constitution.

In the year 1770, disapproving the measures of administration respecting *America*, he resigned,* and from this period, became the warm and determined enemy of that system, which was so fatally pursued during the administration of Lord NORTH.

Dismissed from his rank, and office, he retired with the same dignity with which he had sustained it; proving that he had *one* more virtue than his enemies, and, consequently, more honour; that he had *once* universal fame and admiration—*the dupe of no minister, nor the supporter of any measure of which the object was not the interest of his country.*

No

* It has been said, he did not voluntarily quit his official station, but (in less courtly phrase) was turned out—for an antiministerial vote. This was spiritedly asserted by Lord CHATHAM, but denied by administration.

No man is more amiable in private life; and, when removed from the bustle of public business, his many social virtues shine in the lustre of private excellence.

There is nothing *lukewarm* in this Nobleman's temper: on whatever side he engages, he discovers the energy of his feelings, and the force of his understanding. The rebellion in America, was, perhaps, first fanned into flame by his *subtle, fine-spun* arguments in favour of the colonists.—From the warmth of his heart, and the vigour of his abilities, his capacity to support his friends, bears an equal proportion to the power of attacking his enemies.

He opposed in the House of Lords, some legal opinions pronounced in the Court of King's Bench, on the doctrine of libels, and on other constitutional subjects, in which he was supported

by

by his great and noble friend the Earl of CHATHAM.

On the 17th of March, 1782, he was appointed *President of the Council*, a post which he resigned in 1783, but has since resumed, and yet retains.

He was equally able as a lawyer and an advocate. All his speeches have a sweet simplicity, an exquisite grace, a clearness, and (to borrow an expression of Sir WM. JONES, speaking of LYSIAS, the Grecian orator) a *transparency*, which is more easily conceived than defined, admired than imitated, and which is analogous to gracefulness in motion, and melody in a series of sounds.—He *simplifies* every thing, and delivers his opinions with a *plainness* that captivates while it enlightens, so that if *Truth* should assume a human voice and form, she could use no other language.*

His

* SEE the learned Prefatory Discourse to Sir William Jones's Translation of Isæus.

His parliamentary abilities are unquestionably great, and he is, perhaps, superior to every one but Fox, in depth of reasoning and logical definition. He never leaves his antagonist an opening; and, if he ever addresses the passions, it is through the medium of argument. He would be no match for Fox or DEMOSTHENES in *haranguing* a popular assembly, but he would equal them in an *Areopagus*. He is fond of first principles, of which he never loses sight. His style is cool, deliberate and persuasive: his volubility, choice of language, and flow of ideas, are inexhaustible; neither is his judgment any way inferior to his oratory.

The human mind is *pained* in *contrasting* the meridian splendor of this *once* luminous character with its present *dusky declension*. He, who *was* the champion of liberty, the friend of CHATHAM, and the competitor of MANSFIELD; he, who once shunned no public question, and who was, consequently,

quently, followed by the admiration, and gratitude of the kingdom, seems now exerting only the *languid remains* of eloquence, and exhausting the dregs of wisdom, impregnated with the weakness of dotage, as if careless of the glory that *should* have concluded the career of his earlier fame.

THE RIGHT HONOURABLE

The EARL *of* BATHURST

GOODMAN *Verges*, Sir, speaks a little on the matter; an old man, Sir, and his wits are not so blunt as, God help I would desire they were; but in faith, as honest as the skin between his brows.—

GRATIANO speaks an infinite deal of nothing--his reasons are as two grains of wheat hid in two bushels of chaff; you shall seek all day ere you find them, and then they are not worth the search.—

SHAKESPEARE.

IF general report be entitled to any credit, we may boldly write down, that the EARL of BATHURST became a great character *per force*—he was nursed in a political hot-bed, and raised *per fas aut nefas*. Nothing less than the same necessity introduces his Lordship's

Lordship's name in the same page with those illustrious personages, which it is the purpose of this volume to pourtray.

The EARL of BATHURST, as the register proclaims, is descended of an illustrious family; his father was the much celebrated nobleman whom POPE, in his tuneful numbers, so highly, so elegantly, and so justly panegyrised; and SWIFT, in spight of his satyrical vein, and almost in contradiction of his nature, condescended to praise. The old earl was commonly known under the accepted description of one of *Queen Ann's Peers*, who, like some of later date, sprung up in an abundant and unexpected crop, in a single night. If, however, they had all owned the same pretensions with his Lordship, we should have supposed that the *batch* of new-made lordlings would have escaped a *general* name, which oftener originates from contempt, ther than a more ennobled principle.

The

The present EARL of BATHURST, by the force of natural conclusion, must be understood to have received an education liberal as his birth; for he who is fond of the learned, by an undeniable axiom, must be equally attached to the arts which they profess.

At a very early period he was endued with the *Toga forensis*, and, much sooner than is common, exchanged the rough bombazeen for the more light and silken robe, that is the sure indication of professional advancement. He *travelled* all the *stages* of the law, with a rapidity that great power and interest can alone, in the same degree, accelerate.———His professional character in his several official situations, was never prominently conspicuous till that wonderful day, when he LEAPT at once into the foremost seat of the law.

Every individual member of the profession stood amazed; but Time, the great reconciler

conciler of ſtrange events, conciliated matters *even here*. It was ſeen, that the noble Earl was called upon from high authority to fill an important office, which no other could be conveniently found to occupy. Lord CAMDEN had retired without any abatement of *rooted* diſguſt, far beyond the reach of perſuaſion to remove. The great CHARLES YORKE, the unhappy victim of an unworldly ſenſibility, had juſt reſigned the ſeals and an ineſtimable life together; where could the eye of adminiſtration be directed? The rage of party ran in torrents of fire. The then Attorney and Soliciter General were at the moment thought ineligible—perhaps too, the noble lord, then at the head of affairs, and who was yet *untried*, had a policy in not forwarding *tranſcendent* abilities to obſcure his own. Every ſuch apprehenſion vaniſhed upon the preſent appointment—The man could raiſe no ſenſation of envy as a rival, or fear as an enemy.

He

He was made Chancellor in 1771; and on retiring from his situation in 1778, to make way for the present legal Atlas, was appointed Lord President of the Council.

He never entered the chancery court with a firm, dauntless step. The daring THURLOW, and the wary WEDDERBURNE, frequented the haunts that he was equally necessitated daily to pursue, under a dread of their formidable talents.—These great men stood constantly opposed to each other, and it required the eye and nerve of a master to parry their oratorical assaults. Skilled equally to attack and to defend, it required the finest intellect, and that incessantly upon the stretch of exertion, to balance their powers, and preserve the scale of equity from unfair preponderance; a task to which he was so unequal, that it has been averred by the wits, that even an OLD WOMAN had sufficient ability to vanquish his lordship

in

in *his own* court.* In this recorded saying, the suit and it's determination concerning the ground on which he built the house at Hyde-park Corner, is evidently glanced at.

As a speaker of the house of lords, and viewing him in a political light, this account must, from circumstances, be necessarily short. Such as had the fortune to behold his Lordship presiding at the table of the Lords, and have witnessed the superior dignity of Mansfield, and the awful aspect of Thurlow's sullen scowl, in the same elevated chair, will not, (we are persuaded) to speak mildly, pay a bad compliment to the *present*, in the recollection of *past* times: neither has his political life been marked with all the stubbornness of CATONIAN virtue; happily for its owner, his disposition has been more accommodating

* ——— *Suo sibi* gladios hunc
Jugulo ———

ting and accordant to the temper of modern times.—He has occasionally taken part with every administration, from the glorious days of Lord CHATHAM, to the present degenerate æra of WILLIAM PITT.

He has been, at different times, the *locum tenens* of Lord Thurlow, when involuntary exclamation heaves from the heart of every beholder—HEU! (they sigh)

——QUANTUM MUTATUS AB ILLO HECTORE!

As a private nobleman he has some good traits: a benevolent heart that we know has been put to the severest test. His natural temper is said to be sordid and penurious; but there are many of his actions within recollection, which should rescue his character from so ungenerous an imputation. The patronage that his lordship afforded the DAWNING talents of SIR WILLIAM

JONES,

JONES,* will ever be an honourable testimony of virtue of this description, and ought to plead as an attonement for many political errors.

* The acknowledgments of Sir William Jones were not wanting, whatever might have been the services received at his Lordship's hands: but take his own words.—

"I check myself, therefore, my lord, with reluctance, and abstain from those topicks, to which the overflowing of my zeal would naturally impel me; but I cannot let slip this opportunity of informing the public, who have hitherto indulgently approved and encouraged my labours, that, although I have received many signal marks of friendship from a number of illustrious persons, to whose favours I can never proportion my thanks, yet your lordship has been my greatest, my only *benefactor*; that, without any solicitation, or even request on my part, you gave me a substantial and permanent token of regard, which you rendered still more valuable by your obliging manner of giving it, and which has been literally the sole fruit that I have gathered from an incessant course of very painful toil; that your kind intentions extended to a larger field; and that you had even determined to reward me in a manner the most agreeable, both to my inclinations and to the nature of my studies, if an event, which has procured an accession to your happiness, could not but conduce to mine, had not prevented the full effects of your kindness.

"It

"It might here become me to suppress, what I cannot however persuade myself to conceal, that your lordship was pleased to assign the most flattering reasons for your promotion, and to declare that you desired my promotion, both for my own sake, and for that of the public; the first of which motives I ascribe to your candour and the goodness of your heart; the second, which I am wholly unconscious of deserving, I can impute only to your singular benignity and indulgence."

Vid. his Epist. Dedic. to the Transl. of Isæus.

THE HONOURABLE

Sir RICHARD PEPPER ARDEN, Kt.

MASTER OF THE ROLLS.

——Here am I, in ARDEN more fool I,
would I were in a better place!

SHAKESPEARE.

NON CUICUNQUE DATUM EST, HABERE NASUM.

HAPPY is it, that in our *ſerious* labours, there is ſuch a character as his which is now our immediate purpoſe to purſue.—It acts as a viatory reſting-place, where it is not only *allowable* to relax, but, without which, the wearied ſpirits would not find themſelves ſufficient to ſuſtain the inceſſant fatigues of ſo tedious a journey.

SIR RICHARD PEPPER ARDEN, owes his birth, ſpeaking in the language of ancient days, to a reſpectable YEOMAN of the county of *York*, where the *family name* and the *family ſeat* will, moſt probably, be remembered to a diſtant date, both alike reſting upon a very broad foundation. The *weighty* eſtate annexed, will aſſuredly maintain the *laſt* recollection, and the owner of that eſtate has taken the beſt poſſible means, and not unſucceſsfully, to keep alive the *former*. LADY ARDEN's endeavours ſhould likewiſe be recorded, as anxious, in a *ſecondary* degree, to aid the permanent eſtabliſhment of ſo illuſtrious a family.

SIR RICHARD PEPPER ARDEN, after an ordinary Education in an ordinary Yorkſhire ſchool, was entered, by the pious care of his father, at *Trinity College*, *Cambridge*; where his *convivial* talents have left behind them an impreſſion infinitely more durable in academic tablets, than more uſeful and

valuable

valuable accomplishments. The *True Blue Club* was accustomed to observe him as its chief ornament, and first support. "*Præsidium, et dulce decus.*"

The last revision of the *restrictions*, which this old and respectable society thought proper to place upon her fellows, was principally made, under the direction of Mr. ARDEN,—who, while he was forming statutes, for binding so confined a circle, probably had little thoughts that he would afterwards be engaged in framing laws for a mighty empire. Perhaps too, it were safer had he and his friends contented themselves, to see his abilities exerted in a sphere, where they were so early and happily distinguished.—But to return to the path from which we have involuntarily deviated.

From the *temporary* embraces of ALMA MATER our *recreant knight* threw himself, at once, into the *fast arms* of the *law*: on whose

whose constant, though hard bosom, he has ever since, uninterruptedly rested.——He was called to the bar from the *Middle Temple*, and, for a certain time, remained in a privacy, from which his warmest partizans never once dreamt that he would, in later periods, so luckily emerge. At the seasons we are speaking of, Mr. Arden was much more noted for *having* than *not having* a brief. His practice was confined to the Court of Chancery, and was exceedingly limited and inconsiderable even as a draftsman.

Naturally inclined to social life, the perpetual solitude to which SIR PEPPER was opposed, could not but be an affliction to a mind tempered like his. He therefore, with all reasonable and prudential dispatch, sought a constant companion, and made that companion as inseparable as a wife. Notwithstanding this little slip of his morality, he not long afterwards contrived to obtain the hand of a woman of fortune

and

and distinction. The Lady he married, is a daughter of Mr. RICHARD WILBRAHAM BOOTLE, a gentleman of considerable estate in *Cheshire*, and no less interest in the House of Commons, of which he is an *honorary* member.

Men are very apt, in the *desperate* leap of *matrimony*, to expose themselves to the taunts of their puerile friends, who have *not*, like them, summoned courage enough to take so bold a resolution. Sir PEPPER escaped not, on his marriage, the usual allotment of good-natured raillery, from which he whimsically and dextrously released himself, sportively observing, that gentlemen might say what they pleased, he was perfectly satisfied with his *new* state; for if his immediate views at the *bar* were not much mended by his altered life, his *chamber* practice would be much more considerable. This although said, and probably meant, in *jest*, turned out to be literally *fact*; for, from his own and

acquired

acquired connections, he was brought instantly into legal light, and very shortly lifted into the important office of *Attorney General*.

On the appointment of Lord KENYON to the *Chief Justiceship* of the *King's Bench*, by one Chancellor, Sir PEPPER was secured in the *Mastership of the Rolls* by another, "*sed longo proximus intervallo.*" They who recollect the circumstances that attended this nomination, are not, at the same time, unacquainted with the weight of differences that so long raged between the two Chancellors previous to the dernier adjustment of it. Sir PEPPER, in the interim, was *bandied* from the *Chancery* to the *Exchequer*, and from the *Exchequer* again to *Chancery* in a very pitiable suspense; but was at length confirmed in the appointment notoriously in the teeth of an authority which had often been disputed, but never before vanquished.

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In his present *official* capacity, Sir RICHARD PEPPER ARDEN has had little opportunity of distinguishing himself; for the *Master of the Rolls* is no longer considered as a legal *purveyor* for the *Lord Chancellor*. The cause of objection that existed before his election to office has not yet, nor, in the general opinion, ever can be removed. It was not any political contention that barred the pathway of Sir PEPPER to the *Rolls*, Mr. PITT's right of interference in law-distributions being never argued. Not the *appointment*, but the *appointed*, was the object of resistance. In the *Chancellor*'s absence from the court we have, therefore, never been surprised, that Mr. Justice BULLER should have uniformly filled the temporary seat; which speaks, as plainly as actions *can*, the sentiments of the first law authority in this country, respecting the abilities of the *Master of the Rolls* now being. The *Chancellor*'s saying to Mr. PITT on the *question* of *merit*, not on the *merit* of the *question*, was

was as ſtrong as uſual, "I care not," ſaid he, "*whom* the devil you appoint, ſo you "do not appoint *one*, who, inſtead of "lightening *my* burthen, will heave ye "*his own* damn'd wallet upon my ſhoul-"ders."

Sir PEPPER, however, had ſome qualities, which ſeldom fail to recommend themſelves to miniſterial favour and protection. In his political harangues he is never diſappointed of a certain number of hearers, who ſubſcribe to his opinions as implicitly and as tamely, as to the law of the land. No leſs than *ſix* votes in the *Houſe* of *Commons* are reported to be at his beck. As a ſenatorial ſpeaker, he is little eſteemed beyond the *aye* and the *negation* that he may alternately announce.

The private life of Sir RICHARD PEPPER ARDEN is, in every reſpect, harmleſs and irreproachable. As a converſationiſt, he is thought to ſtand almoſt beyond competition;

petitions; and with ſome, ſtrange as it may appear, he is reckoned a wit.* As a *member* of the *Cabinet*, they who introduced him, ſhould beſt know the purpoſes that he was there deſigned to fulfil. *Momus*, we are told, was often called in, by the Celeſtials, to quell the frequent tumults of their debates; and we do not apprehend that our terreſtial councils are much more harmonized than thoſe in the upper regions.

* "*And, ſtrange to tell! in nature's ſpite provoke*
"*Hot* ARDEN *once to blunder on a joke.*"

The miracle of a jeſt from Sir RICHARD PEPPER happened on the occaſion of ſome reſolutions having paſſed between the hours of *ſix* and *ſeven* in the morning, for which reaſon the then Attorney General (now Sir Richard Pepper Arden, Maſter of the Rolls) facetiouſly contended, "That they were entitled to no reſpect, as the Houſe "was then at SIXES and SEVENS."—Any approximation to wit in debate being perfectly unuſual with this gentleman, however entertaining his friends may think him in private, the ingenious Author of "*Critiſcims on the Rolliad*," very properly diſtinguiſhes this memorable attempt by the ſame kind of admiration with which poets commonly

monly mention ſome great prodigy, as for inſtance of a cow's ſpeaking

PECUDESQUE LOQUTÆ
INFANDUM.

We hope none of our readers will attribute to us the moſt diſtant intention of any invidious compariſon.

THE RIGHT HONOURABLE

LORD KENYON,

CHIEF JUSTICE of the COURT of KING's BENCH.

———Labor, *omnia vincit*
Improbus.

VIRGIL.

———*Animum rege; qui nisi paret,*
Imperat, hunc frænis, hunc tu compesce catena.

HORACE.

Rude am I, of speech.

SHAKSPEARE.

LORD KENYON is *another*, among numerous instances, to prove almost the *certainty* of a *certain* degree of legal knowledge leading to the highest honours and emoluments of the state.—His Lordship's abilities, *merely* as a lawyer, are generally

nerally admitted; and we readily subscribe to an acknowledgment of great application and unbiassed integrity.—But *here* his Lordship's most partial panegyrist must be content to rest his portion of praise. He will scarce be placed in the same order of beings with his great predecessor;—no one will say of him

"Sequiturque patrem passibus æquis."

To borrow an expression of Lord BOLINGBROKE, "the comparison would be *profaning* the tombs of the dead,* to raise an altar to the living."

LORD KENYON must, *comparatively* with the great EARL MANSFIELD, hold a *very inferior* station in the temple of Fame.

The lawyers of the Roman state seem to have been a people of very little importance, detached from their consideration as orators: perhaps the ablest of them ranked lower in public opinion than our common

* Lord Mansfield may be accounted civilly dead.

common attornies *here*. TULLY seems to have thought lightly of them: and we may judge of the degree of estimation such a character as KENYON would have held in the Roman state.—The case is, however, exactly the *reverse* in England:—the law is here the *paramount* profession, to which every thing is referred for decision. It is *now* what the church *was* formerly. The ancient feodal system has interwoven into its texture such a mass of abstruse learning, and branched out doubts and difficulties into such numerous sub-divisions—the increase of commerce among a people greedy of opulence and power, but jealous of their liberties and rights, guarded by gigantic folios, under the denomination of acts of parliament, involved in endless contradictions and super-induced innovations—*all these* have together extended it's fibres almost to infinity, so that the professors can alone comprehend them; and they are become, even to the *Professors*, a wilderness. They vegetate in the *rankness* of our legislative soil

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in a wild luxuriance (apparently without order or connection), that threatens to exclude *all* light, and make this wilderness impenetrable, from its density and darkness. If a few salutary herbs take root, they are so choaked by the exuberance of the surrounding foliage, so shaded, so obscured, as almost to render them totally inaccessible.

The *Being* whose habits of life enable him to *grope* his way through such a maze, becomes an important character in our courts, and is, in consequence, elected into our senates, and from thence promoted to the justice-seat. He often finds his way without the aid of the lynx's eye; *that* of the mole is, perhaps, better adapted to an atmosphere, where the most *sombre* gloom pervades every step of his progress.

LORD KENYON was bred under an *attorney,

* His Lordship was *born* at Gredington, in Flintshire, North Wales, from whence the title of his barony is taken.

He

torney, from whofe defk he was tranflated to that of a law agent in town, and was ever diftinguifhed for unwearied attention in the purfuit of his ftudies.—Such an education, though warranted by fome great and fuccefsful examples, may naturally be fuppofed to have damped an imagination not at all remarkable for its brilliancy; but it probably induced that habit of labour and attention which he has retained through life, and to which he muft have been, in a great meafure, indebted for his prefent exalted ftation.

LORD KENYON was, foon after his emancipation from the defk, entered of the *Middle Temple*, from which honourable fociety he was called to the bar.

Conftant application will blunt the keeneft edge, and tire the moft eager fpirit; but

He was an articled clerk to Mr. Joe Tomkinfon, of Namptwich, in Chefhire, a very eminent attorney, ftill living.

but his Lordſhip, during the courſe of many years vaſt practice, ſeemed an exception to this very natural poſition.—His chief practice was in the court of Chancery, and, for many years, his chief buſineſs that of a draughtſman; in which, and in his opinions, he was conſidered acute, accurate, and able; but when occaſion called him into court to ſupport theſe opinions and pleadings, although he never failed to diſplay a profuſion of law learning, and that moſt judicially applied, yet his manner was ungraceful—his language uncouth, awkward, unharmonized—and his method and arrangement of facts, generally confuſed and ill-digeſted.

His Lordſhip poſſeſſes all the warmth and vehemence of his country; and is eaſily provoked to paſſion—a circumſtance little calculated to conceal his oratorical defects. He is in the habit of hurrying his words ſo diſagreeably together, that his articulation is not only indiſtinct, but ſometimes

ſometimes totally unintelligible. He liſps, heſitates, and occaſionally ſtammers, ſo as, for a conſiderable pauſe, to ſuſpend all apparent poſſibility of utterance. Yet, under all theſe defects (inſuperable as they might be imagined), ſuch was his weight with the court he addreſſed as a counſel, that he was not only heard with patience, but with attention and reſpect.

His profeſſional Eminence introduced him to the high poſt of *Attorney General*, and, in conſequence, to a ſeat in the Houſe of Commons,* where he was ſtill the *mere lawyer*, had the *ſame* habits, the *ſame* defects; but rendered more conſpicuous by being diſplayed on a theatre leſs calculated for the exertion of his talents in that ſcience in which he could *alone* excel.

His

* He ſtood candidate for *Flintſhire*, againſt Sir ROBERT MOSTYN, the preſent member, and loſt it, as it is ſaid, from the influence of the Dean of *St. Aſaph*.

His Lordſhip held, at the ſame time, the office of *Chief Juſtice* of *Cheſter*, to which he was appointed on the death of Mr. MORTON.

Fortune, it is obſerved, is generally ſparing, or bountiful in *extremes* in the diſtribution of her favours.——The *Maſterſhip* of the *Rolls* next awaited his acceptance; in which office, however, he ſat ſo ſhort a time, that little can be ſaid of him *officially*; but his Lordſhip was, beyond all doubt, *peculiarly* qualified for that important ſtation.

His early and continued habits of intimacy *with*, in conſequence of profeſſional ſervices rendered *to* the preſent *Lord Chancellor*, was no inconſiderable aid to his elevation in the Court of King's Bench.* It is well known, the great

* The late Sir THOMAS DAVENPORT, then Mr. DAVENPORT, had been in habits of intimacy with this great

great Earl who left his ſeat was deſirous of ſeeing *another* in the poſſeſſion of it; but that power which could *once* command *every* thing, was too much in the *wane* to give effect to it's wiſhes.

The high poſt his Lordſhip holds, is certainly the beſt of all others (unleſs indeed that of the *Maſter of the Rolls*, for his political and oratorical talents would render him but a ſorry *Chancellor*) calculated for the diſplay of his talents; as he can there give them full exerciſe *in the way* they have been invariably and ſtrenuouſly applied.

When

great man, and had flattered himſelf with the hopes of ſucceeding to the firſt valuable appointment in his power to confer; but ſeveral good things paſſing by, the patience and temper of Mr. Davenport were loſt. The Chief Juſticeſhip of *Cheſter* becoming vacant, he thus ſhortly wrote to the Chancellor: "The Chief Juſticeſhip of Cheſter is vacant. Am I to have it?" To which the following laconic and emphatic anſwer was returned: "No, BY GOD! KENYON SHALL HAVE IT."

When occasion calls his Lordship into the House of Lords on any important debate, where his *Nisi Prius* knowledge cannot avail him, *oh! what a falling off is there!* The *Chancellor*'s black brow lowers tremendous, and he is obliged to interpose the *Achillean shield* for his protection.

Lord KENYON bears the same comparison with the present *Chancellor*, that COKE did to BACON; but let it be remembered, that there is an *almost infinite distance* between *both* these law Nobles, and the illustrious Names PROPHANED by the comparison.

THE

THE HONOURABLE

Sir FRANCIS BULLER, Bart.

One of the JUDGES of the COURT of KINGS BENCH.

"Our city's institutions, and the terms
Of common justice, y'are as pregnant in,
As art and practice hath enriched any
That we remember.——"

Shakspeare's Measure for Measure.

THE great and learned JUDGE BULLER was admitted of the *Inner Temple* on the 8th of February, 1763, and called to the bar after the usual period of *probation*, from the honourable society of the *Middle Temple*, from the same society he was also made a *serjeant*, and, almost immediately after,

after, promoted to the rank of a *judge* of the *Court* of *King's Bench*.

This is the age of *young men*—we now see men *born* statesmen and lawyers. They are transfated almost from the cradle to the government of kingdoms, and to *presidency* in legislation. In former times, none but men advanced in years were permitted to assume the dignity of the coif, or to ascend the magisterial bench: a period indeed, *beyond the bloom of manhood*, customarily elapsed before their "*call to the bar*." In the instance before us, we see a judge eminently qualified for the station he fills, almost in the *bloom of youth*.

Mr. BULLER's first *entré* into the profession, was in the department of *special pleading*. He studied under the present Judge, then Mr. ASHHURST, and, like DEMOSTHENES, excelled his master,* and was always ranked amongst the most eminent

* ISÆUS was the preceptor of the great Athenian orator,

eminent of the profession. His accession to business, as a common law draughtsman, was immediate and immense; his practice as a barrister was also, at first, considerable, and, in an extremely short period, became equal to that of the very first-rate lawyers.

In all that part of practice, which pushes a cause out of its regular course, and forms the great business of the TERM, he had no equal; in every motion of consequence, or special argument, he was always engaged either for the plaintiff or defendant; and here Mr. BULLER was perfectly at home.

Nature designed him for a lawyer, and he wisely pursued her bias; for very early in life he seems to have *entered into a recognizance*, to talk and think of nothing but law; his knowledge of *practice and cases*, left him without a competitor. He resembles the Roman lawyer SULPITIUS,* and

* SULPITIUS, the great Roman lawyer, is said to have left behind him one hundred and fourscore volumes on law

and certainly IS the COKE of the present age.

His *Nisi Prius* practice was, indeed, *comparatively* inconsiderable. The fact is, Mr. BULLER had little success in his address to the passions, and could not therefore be eminent in his appeal to a Jury. However *shrewdly* he cross-examined; however *pertinently* he pointed his remarks; however *sagacious* he might be in the arrangement and management of a cause (from a want, probably, of directing his attention to the embellishments of oratory) he was by no means, *happy* as an advocate, his advocatorial address rather conveyed the idea of *barking* than speaking; but excellence does not erect her banner in every region of the mind; he sought and *found* fame in the *recesses* of law learning; and therefore we are not to be surprised, if he was deficient in those more showy accomplishments,

law subjects, of his own compiling. It is extremely probable that Mr. BULLER's manuscript collections are considerably of a larger bulk, and of a similar nature.

compliſhments, which were little, or not at all, objects of his choice or attention.

If ſpecial pleading has any *ſun-beams*, many *others* have been lighted up by *his*. The aſtoniſhing ſucceſs of JUDGE BULLER, introduced the *faſhion* of making the ſtudy of that *ſcience* (if it ought to be dignified by that name) an introduction to the profeſſion.

The eloquence of *magiſtracy* is of a far different kind from that of the advocate; and the ſpeeches of this very learned judge from the *Bench*, certainly approach as near perfection as modern example reaches; it is a model for imitation.

He poſſeſſes great quickneſs of perception; ſees the conſequences of a fact, and the drift of an argument at its firſt opening, and can immediately reply to an unforeſeen objection; though, perhaps, it may be ſometimes ſuſpected that his perception is *too quick*; it has certainly expoſed him

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in ſome inſtances to the *charge* (whether true or falſe) of impatience and petulance, very indecorous in the character of a judge; it is not enough that the magiſtrate on the bench ſhould perceive the truth or fallacy of an argument; it is his duty to proceed with the moſt cautious deliberation, till, from the arguments of the pleader, or the reſult of evidence, he has drawn forth the cleareſt demonſtrations that the caſe poſſibly admits, and eſtabliſhed conviction, by the patient exertion of argumentative reaſon.

It is the *general*, as it is the *juſt* profeſſional character of this great lawyer, that he ſtates his arguments with the utmoſt accuracy and preciſion, reaſoning logically, and in a ſtyle, which may be deemed the true eloquence of law. Like his preſent Chief, he was not calculated to puſh his way in parliamentary campaigns; but his conſummate knowledge rendered him an important acquiſition to the Bench. He was the

youngeſt

youngeſt Engliſh Judge ever promoted to that rank; and, growing up, under the *Cedar* * of knowledge and eloquence, may juſtly now be conſidered as one of its greateſt ornaments.

Mr. JUSTICE BULLER, if we conſider the TRAITS by which his judicial conduct has been ſtrongly marked, ſeems to poſſeſs the greateſt inflexibility of ſentiment and opinion.† Like HOLT, he is too ſtaunch and too ſyſtematic a Lawyer to ſuffer the ſtubborn and general principles of LAW to give way, *in any inſtance*, to the milder inferences of EQUITY. It cannot, however, be denied or concealed, that the calmneſs of his temper, and the deliberate firmneſs of his conduct, has *not in every inſtance* kept pace with the inflexibility of his judgment, and tenacious adherence to general maxims.

* Lord MANSFIELD.

† SEE his charge to the jury in DONNELLIAN's caſe, AND His memorable opinion, of the RIGHT of the huſband over the wife, to the exerciſe of the *thumb-ſtick*.

maxims. A ſtriking proof of this was exhibited at the famous trial of the Dean of St. Aſaph, when, after puſhing his oppoſition to Mr. Erſkine, even to *threats* and *commands*, he yet ſuffered him to ſet his authority at open defiance, and *proceed in the interrogation, to which he had ſo ſtrenuouſly objected.*

The anecdote being remarkable, and eminently calculated to illuſtrate this part of the Judge's character, it may not be improper to relate it.

Mr. ERSKINE put a queſtion to the Jury, relative to the meaning of their verdict; Mr. Juſtice BULLER objected to its propriety. The counſel reiterated his queſtion, and perſiſted in demanding an anſwer; the Judge again interpoſed his authority in theſe emphatic words: "Sit down, Mr. "Erſkine; know your duty, or I ſhall "be obliged to make you know it."—— Mr. Erſkine, with equal warmth, replied: "I know

" I know *my* duty as well as your Lord-
" ſhip knows *your* duty. I ſtand here as
" the advocate of a fellow-citizen, and *I*
" *will not ſit down.*" . The JUDGE was ſilent, and the ADVOCATE perſiſted in his queſtion.

Who was *legally* right, is not intended to be here diſcuſſed; ſince this book treats of the characters of Judges, not of the maxims of law. But it muſt readily be allowed, that to proceed to threats, which either he could not, or he was not inclined to carry into execution, was, in ſome reſpect, derogatory from that dignity which the repreſentative of Majeſty and Juſtice ought carefully to ſuſtain.

THE HONOURABLE

Sir NASH GROSE, Kt.

One of the *JUDGES* of the Court of *KING's BENCH.*

LARGA QUIDEM, SEMPER TIBI COPIA FANDI.

Judice te, non sordidus auctor
Naturæ, verique.———

HOR.

SIR NASH GROSE, son of EDWARD GROSE, Esq. of the city of London, was admitted of Lincoln's-Inn in Trinity term 1756, called to the bar in Michaelmas term 1766, made a Serjeant in Easter term 1774, and a Judge in Hilary term 1787; when his Majesty conferred upon him the honour of Knighthood.

In Governments constituted like ours, Elevated Situations are seldom reached, but

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by men of great abilities (if we except the common appendages of Titled Rank) and of all the ways that are open to the reception of active Genius in the Temple of Fame and Fortune, the Law is beyond all comparison the most certain. Honours are obtained in the Army and Navy only by desperate, toilsome and tedious Atchievements, which meet a *very uncertain*, and generally a *very late* reward. Pre-eminence in Literature and the Arts, afford a still more precarious recompence, nor can the professors of *Physic*, or even the disciples of the *Church*, stand in any degree of competition with the much favoured *sons of litigation*. Like *vultures*, THESE are ennobled, from being alike armed with the most deadly weapons of terror and destruction.

Professional ability, we believe, *alone* raised Mr. GROSE to the Bench, who, in the course of twenty years practice, established a professional Character equally eminent and amiable;—his share of business was, conse-

consequently, extensive.* He was considered a sound lawyer; and after GLYNN took the lead in the Court of Common Pleas, he was also an excellent nisi prius advocate; which is the more remarkable, from the circumstance of his having swelled the list of *special pleaders*; of whom it is notorious that very few are tolerable speakers. The paucity of exceptions serves only to confirm this as a rule.

The greatest and most laborious Naturalists, in their description of animal creation, are obliged to leave numerous subjects unnamed, and imperfectly described, that can only be classed under the general title of "NON-DESCRIPTS." Of this indefinite class is the SPECIAL PLEADER, whose existence cannot be *naturally* accounted for, as

* If this learned Judge should be ever created a Peer, his *arms* will have JOHN DOE and RICHARD ROE for *supporters*, and his motto, "ABSQUE HOC, HOC!"

as Heaven could design these orders of Beings for no possible purpose of convenience or utility. We are told, indeed, that the wisdom of the Deity has created nothing *in vain*: The *Crocodile* and the *Tyger*, it is true, may exist as *admonitory cautions* against treachery and cruelty;—the *special pleader's* existence may be intended by Divine wisdom for similar purposes, with this additional advantage, that nothing is better calculated strongly to inculcate the Christian virtue of *patience* in both *agent* and *patient*.

A *special pleader* appears to be of the *spider* kind;—they alike spin their web for the destruction of weak and unwary prey; one murders the little innocent fly that flutters in the sunshine, the other *strangles* justice in his nets of form; both are equally pernicious and poisonous.*

TULLY,

* See BURNETT'S Life of Lord HALE, page 4;—also the address in parliament against special pleading, 3 Geo. II.—Journals of the House of Commons, 11th of February 1730; and afterwards in the same session.

Lord

TULLY, that terreſtrial God of literature, ſeems to have known ſomething of theſe ſort

Lord MANSFIELD was an avowed enemy to ſpecial pleading; or, perhaps, more correctly ſpeaking, *to Special Pleaders*; but it is only fair to acknowledge, that *another very great man* is a warm advocate for it,—Sir WILLIAM JONES, in his prefatory diſcourſe to the tranſlation of Iſæus, thus expreſſes himſelf: "I ſhall not eaſily be induced to wiſh for a change of our preſent forms, how intricate ſoever they may ſeem to thoſe who are ignorant of their utility. Our ſcience of ſpecial pleading is an excellent logic, it is admirably calculated for the purpoſe of analyſing a cauſe, of extracting, like the roots of an equation, the true points in diſpute, and referring them, with all imaginable ſimplicity, to the court or jury; it is reducible to the ſtricteſt rules of pure dialectic; and if it were ſcientifically taught in our public ſeminaries of learning, would fix the attention, give a habit of reaſoning cloſely, quicken the apprehenſion, and invigorate the underſtanding, as effectually as the famed peripatetic ſyſtem; which, however ingenious and ſubtle, is not ſo honourable, laudable, or profitable, as the ſcience in which LITTLETON exhorts his ſons to employ their courage and care. It may unqueſtionably be perverted to very bad purpoſes; but ſo may the nobleſt arts, and even eloquence itſelf, which many virtuous men have for that reaſon denied; there is no fear, however, that either the *contracted fiſt*, as ZENO uſed to call it, or the *expanded palm*, can do any real miſchief, while their blows are directed and reſtrained by the ſuperintending power of a court."

ſort of men, and he thus deſcribes them :— *Leguleius quidam cautus et acutus*, præco *actionum*, cantor *formularum*, auceps *ſyllabarum*.

This deſcription anſwers to nothing in or out of nature, but a *ſpecial pleader*.

THE HONOURABLE

Sir WILLIAM HENRY ASHURST, Kt.

One of the *JUDGES* of the *COURT* of *KING's BENCH.*

—Why, he ſtalks up and down like a peacock, bites his lip with a politic regard, as who ſhould ſay, *there were wit in his head*; and ſo there is, but it lies as *coldly* in him as fire in flint, which will not ſhew without knocking.

SHAKESPEARE.

SIR WILLIAM HENRY ASHURST was admitted of the *Inner Temple* on the 19th of January 1750; was called to the bar on the 8th of February 1754, to the degree of Serjeant in Michaelmas Term 1770; and was almoſt immediately after preferred to the dignity of a Judge of the Court of King's Bench.

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To a moſt benevolent heart, this learned Judge adds the poliſhed manners of the Gentleman, and a degree of profeſſional Erudition, that has ever placed him in the firſt rank of Weſtminſter Hall.

Oratory, like *poetry*, has its ſeveral diſtinct claſſes. The *lyric* poet is not more widely different from the *epic*, than the *forenſic* advocate from the *ſenatorial* orator. The idea of CICERO, that no man could be juſtly called an orator, unleſs he *united*, in the *high-eſt* degree, the powers of INSTRUCTING, DELIGHTING, and MOVING *every* audience, on *every* ſubject, may be conſidered as the effuſion of Rhetorical Quixotiſm; certain it is, that it implies a *variety* of character, and a *comprehenſion* of genius beyond all human attainment, even by minds the moſt gifted, and induſtry the moſt indefatigable. It belonged neither to DEMOSTHENES or TULLY in ancient times, nor to Fox of theſe. The man whom nature has not calculated to ſhine in a Britiſh ſenate, may, nevertheleſs,

nevertheleſs, be a conſpicuous, eminent, and ſucceſsful character, in our COURTS.

Mr. JUSTICE ASHURST is a man of liberal education and enlarged notions.—His language has no peculiar neatneſs or brilliancy, but it is perſpicuous, pointed, and clear. He reaſons logically, and knows well how to *winnow the chaff* of eloquence from argument and law; and the man of ſenſe and candour who ſtates his arguments with truth, conciſeneſs, and preciſion, and from thence draws the fair and natural deductions, will ever have more weight and influence in a court of Engliſh judicature, than any one can hope to arrive at, by the mere pomp and ſplendour of Grecian or of Roman Eloquence.

As the ſun burſts through the thickeſt clouds, ſome men diſcover their mental powers under every diſadvantage, and the Genius of the *Lawyer* was, in the preſent inſtance, ſeen to ſhine through the obſcure miſts of the draughtſman. Special pleaders

ers formerly furnifhed only the language of courts, and, like Poets, planned the drama that others were to perform.—How much the cafe is now altered, and how fuccefsfully this branch of ftudy is now cultivated by thofe who wifh to fhine in the moft diftinguifhed departments of legal fcience, both the Bar and Bench bear ample teftimony.

The *fovereignty* of MANSFIELD in the court of King's Bench, was marked by *unanimity* of opinion amongft the Judges. This court *may*, poffibly, hereafter be diftinguifhed by the *oppofite* extreme; and this balance of *opinion*, may arife from *a more equal balance of abilities*.

Men of enlightened minds, who have underftanding enough to perceive a fuperiority of capacity in a Cotemporary, and who have liberality fufficient to regard it without envy, or difcretion to fhun an unequal competition, are, it is admitted, too

apt

apt to be easily convinced by his arguments, and to yield too implicitly to his opinions. But when the mind is free from any such bias, from the effects of awe and veneration, we see the judgments of men exerting themselves without prejudice, and may infer, from perfect freedom and independence of thinking, the *natural diversity* of opinion among mankind.

And *thus far* it may be deemed no great national misfortune, that the Bench is not at present dignified with any example of that *transcendant* Genius, which, removing every idea of rivalship, renders opposition of no avail: for when the most upright and enlightened character is *entirely* secured from the prying eye of contending adversaries, such is the natural fallibility of human nature, that he will sometimes deviate from the path of rectitude and propriety; if not, from the temptation to err, perhaps, from the too great *Confidence* inspired by feelings of conscious superiority, or

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an *indolence* of mind and temper, generated by the want of ſtimulus to exertion.

It has been obſerved, that when men adminiſter Juſtice in a court of common law, without being control'd by the ſtrictneſs of it's rules, they take on themſelves the office of legiſlation, and thereby controvert an eſtabliſhed maxim of free government. The diſtinction, or rather the ſeparation of the legiſlative power from the executive authority, is certainly what ought to be regarded with a moſt jealous eye; and every approximation towards breaking down the barrier which our anceſtors have ſo wiſely placed to ſeparate them, however ſpecious the pretext, ſhould be anxiouſly oppoſed; ſince reaſon muſt readily perceive, that ſuch a breach would form an immediate Inlet to Corruption, and ſince the hiſtory of Nations furniſhes us with ſufficient experience, that *ſuch* will inevitably be the effect.

Written

Written law *establishes* the rights both of Prince and People. It's certainty, and the determinate and invariable discriminations with which it is replete, not only mark the Boundaries between Right and Wrong, but preserves them inviolate, and diffuses general tranquillity by enabling us to judge with certainty, *when we stand within the limits of security*. However, therefore, we may admire the wisdom which established Courts of Equity to remedy those evils which the forms of common law could not reach; yet we must observe, that the utility of this precaution will not only be lost, when the modes of decision practised in Courts of Equity are adopted in courts of common law, but that this extension, to the general system of our jurisprudence, of those principles, which were only admitted for the remedy of particular defects, will *eventually*, by violating the settled rules of justice, instead of removing partial exceptions, annihilate the grand distinction between law and despotism, and leave

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us exposed, if not to the oppression, at least to the INSECURITY of arbitrary dominion. HENCE might arise a source of consolation for the loss of MANSFIELD, that would permit us, with a kind of consolatory reluctance, to wipe away the tear of Genius at his Removal, did we not see him succeeded by ONE educated in the *same* habits, and adopting the *same* rules of decision, though unaided by those Rays of the Divinity, which had been long accustomed to illumine the Paths of legal difficulties, and conduct the Suitor by the safest and shortest road, to the Temple of Justice.

This fashionable mode of *equitable decision*, is undoubtedly owing to the introduction of common law Judges, from among those, who have been used to the Pleadings and Business of the Courts of Equity. These courts being established for the express purpose of controling the rigour of the common law, it is natural for men who are bred in these forms, and tutored

tutored in these maxims, to retain their rules, and transplant their decisions into whatever situation they may be removed. The advantage to the subject has been *even hitherto* problematical, the *future* consequences are extremely to be dreaded. When the Court of King's Bench assumes legislation, the learned world may continue to witness and admire the Wisdom and Beauty of it's Decisions, *but the* PALLADIUM *of the British Constitution is removed, and liberty exists no longer.*

THE RIGHT HONOURABLE

LORD LOUGHBOROUGH.

CHIEF JUSTICE of the COMMON PLEAS.

——Atque oculos paulum tellure moratos
Sustulit at proceres, intentatoque resolvit
Ora sono.——

OVID.

THE life of LORD LOUGHBOROUGH, *minutely* delineated, would, in point both of variety and importance, take the lead of all biographical productions of the present day. His lordship has rendered himself conspicuous in such numerous and important scenes, that *our prescribed* limits will not ad-

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mit of more than an *outline*:——the difficulty of the task lies in *selection*.

He was educated for the *Scotch Bar*, at which he commenced his career as a pleader. In the course of his practice in that kingdom, having received an affront from the bench, he quitted it in disgust, and came to *England*, in a situation the very reverse of opulence.

His practice *here* was almost immediately considerable; and having been introduced into Parliament under the patronage of Lord Bute, the reputation he acquired by his oratorical exertions, in the memorable question that was agitated in the House of Commons against Lord *Clive*, placed him at the head of his profession, in the direct road to opulence and fame: with how much regularity and assiduity he *pursued* it, may be seen from his progressive stages to the high post his lordship now holds. His share of business was certainly much superior to that of his official competitor and leader,

leader, Lord Thurlow, to whom he was at least equal in ability, and superior in diligence.

His lordship was admitted of the *Inner Temple* the 8th of May 1753; called to the bar the 25th of November 1757, (when a king's counsel) admitted of *Lincoln's Inn*, Easter term 1763; made *Solicitor General*, Hilary term 1771; *Attorney General*, Trinity Term 1778; and *Chief Justice of the Common Pleas*, Trinity term 1780, when he was created a Peer by his present title.

The object of his Lordship's ambition seems to have been "*The Seals*." To these, his expectations were most ardently raised, and his habits of study and practice were regulated accordingly. Nor can it be disputed but that he is *eminently* qualified for the high office of Chancellor, in preference to the presidency of a court of common law. This indeed was intimated in the House of Commons, upon the very memo-

rable contest between his Lordship and Sir FLETCHER NORTON, for the Chief Justice-ship of the common pleas; a contest which reminded us of that between AJAX and ULYSSES for the shield of ACHILLES. It is unnecessary to add, who most resembled ULYSSES, both in success and eloquence.

His first speech, as a magistrate, was upon the occasion of the *riots*, on the 10th of July 1780, when he delivered a *most eloquent* Charge to the grand jury convened upon the occasion, in the great hall at St. Margaret's Hill. This Speech justly procured him the most elevated reputation for energy, impression, and propriety of application to the unfortunate occasion by which it was called forth, and added (if possible) to his fame as an orator.

Nor is this, by any means, the most distinguished proof of his great oratorical abilities. His clear, emphatic, and unlabboured harangues, have *uniformly* conspired to

to prove him alike calculated to shine in *deliberative* and *judicial* eloquence. In fact, he is persuasive alike in the senate and in the Courts; and it is but bare justice to say, that his lordship is the first ornament the profession can boast, of the present day.

The character of his oratory, is that of being *clear*, *sensible*, *fluent*, *perspicuous* and *insinuating*.

He is the most plausible, correct, methodical speaker in either house (except Mr. Pitt): his matter is always judiciously selected and well arranged, carrying with it an air of logical justness, and argumentative precision. He never rambles from his subject from a want of matter, or becomes diffuse or tedious from a redundancy of words. His oratory is *uncommonly* chaste, his pronunciation distinct, his emphasis well placed, and his voice skillfully managed: he is fond of detail, and conveys it to his auditors in a clear,

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unembarrassed, comprehensive manner. His language is nervous, technical, pointed,—and he speaks with so much fluency (avoiding the extremes of rapid utterance and of hesitation, and absence of mind); that every thing he offers, seems to flow from a thorough knowledge of his subject, and the principles of self-conviction.

The patriotism of a lawyer, is almost proverbially PROBLEMATICAL.

His lordship was first introduced into parliament through the interest of Lord BUTE.

In 1766, he was in the political suite of the late Mr. GEO. GRENVILLE.

In 1768, he attracted the public attention in the affair of the *Middlesex Election*. His zeal was not confined to the HOUSE—it was *personal* throughout the kingdom.

On

On the death of Mr. GRENVILLE, he became the warmeſt advocate of Adminiſtration; and, for a period of twelve years, might be conſidered as the chief ſupport of the *abominable* adminiſtration of Lord NORTH. To ſupport a Miniſter by the reſiſtance of *ſuch* a ſiege, for ſuch a period, againſt the *cannon* of Fox,* and certainly againſt all common reaſon and ſenſe, is unqueſtionably a proof of CONSUMMATE ABILITIES.

But the capacious mind of Lord LOUGHBOROUGH is not confined to the talents of the advocate and the lawyer, nor does the fame of the promotion, conſequent of his *forenſic* attainments, bound the noble views of this great and elevated character. His judicial fame is but ſecondary to that

* The whole conduct of Adminiſtration, reſpecting the American war, has been juſtly reprobated by all men of every rank of underſtanding, in the ſtrongeſt terms, that language can expreſs.

SEE Review of Parliamentary Characters. 8vo. 1777.

that obtained by his parliamentary campaigns. The observation, That lawyers always retain their professional habits, and seldom shine as senatorial orators, here meets a *second* exception. His predominant genius can illumine the gloom of law, and give his speeches a classical air and dress, that would not disgrace the first productions of *Greece* and *Rome*.

He has more judgment than fancy; and is *caution itself*—guarded in every thing he says, and ready to seize every advantage that arises from the warmth of his antagonist. To the clearest head and most unclouded understanding, he adds correctness and method, and the deepest skill in the arts of debate. His great abilities have been improved by still greater labour.

It is true, that his eloquence *seldom* reaches the heart, *but is always in his power*, when he chuses to make exertions; and we have seen him, at times, possess the greatest

greatest ardour and most daring political heroism. His celebrated Philippic pronounced against Doctor FRANKLIN, before the Privy Council, is not, perhaps, surpassed by those of DEMOSTHENES against PHILIP, or CICERO against ANTONY.

He possessed the powers of leading the House of Commons. His speeches on the motion made against Lord CLIVE; on the *Quebec Prohibitory*, and *Capture Bills*; and on the propriety of sending his MAJESTY's Electoral troops to garrison *Gibraltar* and *Minorca*, are ALL strong proofs of his oratorical prowess.

He may be considered as the Chieftain of Opposition in the House of Lords, where he is perhaps without an equal on either side.

Sir HENRY GOULD, *Kt*,

One of the JUDGES *of the* COURT *of* COMMON PLEAS,

I am no orator, but a plain blunt man,
For I have neither wit nor words,
Action nor utterence, nor the power of ſpeech
To ſtir mens' blood——I only ſpeak right, on——
Shakeſpeare's JULIUS CÆSAR.

THE MEANS by which men are puſhed into office without the recommendation of firſt-rate talents, would form a hiſtory equally intereſting and entertaining; it would at the ſame time exhibit a ſpacious field

field for ſpeculation to the moral obſerver, and abundant opportunities for the exerciſe of ſatirical indignation.——The wiſdom and integrity, however, of Britiſh Judges, are very juſtly the boaſt of Britain and peculiarly the pride of the preſent Reign.

SIR HENRY GOULD, is the ſon and heir of Mr. DAVID GOULD, of *Sharpham Park*, in the county of *Somerſet*. He was admitted of the Honourable *Society* of the *Middle Temple*, the 16th of May, 1728; called to the Bar the 14th of June, 1734; made a Bencher the 3d of May, 1754; a Serjeant at Law in Michaelmas term, 1761; and ſhortly after, elevated to the rank of a Judge.

Mr. GOULD, while a Counſel, though not diſtinguiſhed for brilliancy of talents, or the gifts which conſtitute the orator, ranked very reſpectably in the profeſſion. Since his elevation to the judicial ſeat, his

great

great experience has uniformly added weight to his opinions, and though his sentiments frequently stand opposed to those of his learned brethren, and sometimes SINGLY, yet they have always been supported with learning and sound arguments, and have been such as reflected equal honour on his head and heart.

As a *Counsel*, Mr. GOULD's business was considerable; but we believe, though much employed as a *Lawyer*, he was never eminent as an *Advocate*.—Speaking is not his talent—his arguments are more pleasing to the eye, than grateful to the ear—his tones are the reverse of harmony—and his voice is extremely faint and feeble. Action he has none; neither elegance nor energy. The Graces are out of the question.—

His language is the plain, unadorned style of common conversation; often de-

fective

fective in purity and correctness, and always destitute of that warmth and variety, which characterise ardour of character and vigour of conception. His style is never glowing, keen, or rapid; it possesses no elevation of sentiment, or warmth of imagery; on the contrary, it is always tedious, circuitous and languid.——His talents are better calculated to lay siege to the understanding, than to *storm* a Jury.

Neither is the scholar to expect gratification from the best of his speeches. They have nothing classical in the composition; no researches into the antiquities of Attic or Roman legislation; no embellishment of argument by learned allusions, or illustrations from scientific research—he sticks close to ROLLE, LITTELTON, and COKE; and his just praise is, *that he is learned in the laws of his country, which he studies*

with

with labour, and interprets with integrity, tempered by the most amiable of all virtues, "HUMANITY."

The different *traits* in the characters of our eminent lawyers will, perhaps, be better understood, by a comparison with those of GREECE and ROME.

With us there are *Attornies*, *Proctors*, *Special Pleaders*, *Conveyancers*, and *Barristers*, the several *Branches* of whose Employments are respectively diversified; and nearly similar Varieties, in Rank and Avocation, seem to have existed among the Professors of law in ancient Rome.

In the early ages of the Roman senate, the ADVOCATES were not lawyers. These were succeeded by a set of men called COGNITORES, who had great legal skill, and an intimate knowledge of the customs

and

and practice of the courts. They not only advised and assisted the pleaders or counsel; by their advice and information on points of law and practice, but were allowed to speak in the cause. These seem, in some respects, to have strongly resembled our *opening* or *assisting* counsel. They appeared soon after CNEIUS FLAVIUS published his book of *Appian Actions*, and the FORMULÆ in which they were drawn up.

At the same time appeared an *inferior* class of COGNITORES, called FORMULISTS, or practitioners, whose business was only to regulate the order of the process, and who neither understood the law, nor the spirit of it. *These gentlemen certainly bear some resemblanee to our attornies, &c.*

The *first* order of the COGNITORES were called PATRONS, and stood next in rank and consequence to the *Professed Orators.*

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In this latter clafs it would not be difficult for Mr. Juftice GOULD to find a parallel; he cannot fupport competition with fuch Characters as CICERO, HORTENSIUS or CÆSAR, ANTONY or PLINY, but to thefe illuftrious Orators, a man of Mr. GOULD's attainments would have proved a ufeful, and perhaps a *neceffary* auxiliary.

THE HONOURABLE

Sir JOHN HEATH, *Knt.*

One of the JUDGES *of the* COURT *of* COMMON PLEAS.

——— *Interiam, si*
Aut valeo stare, aut novi civilia jura.

HOR.

——— Oh! he's as tedious
As a tired horse.—

———I am known to be humorous, and to love a drop of hot wine, without one drop of alloying *Tiber* in it.

SHAKESPEARE.

THE present mode of *calling to the Bar*, carries with it a very *ludicrous* idea: let a man be ever so able, *one way only* is this branch of the profession accessible, (namely)—by the *mouth*, and that, not by speaking

but *eating*. A ſtranger to Legal Habits and Cuſtoms, would be almoſt led to ſuppoſe, that the ſeveral Cooks of the Societies poſſeſſed the ſame art that was in uſe amongſt the *Profeſſors of Laputa*, where every viand was impregnated with ſcience, ſo that *commons* and *caſes* were naturally to be digeſted together.—From him who is about to put on the Civic Gown, the following lines of Horace are not inapplicable:

> *Luſiſti ſatis, ediſti ſatis, atque* BIBISTI,
> *Tempus abire tibi eſt.*

The law in itſelf may not inaptly be conſidered as a *coy miſtreſs*, who is to be taken by *cold conſtancy*, rather than arreſted by an ardent attack.

The gentleman, of whom we are now ſpeaking, made his introductory bow in 1759, and, after having *ſighed* through a formulary interval of 16 years, was at length admitted,

mitted, in the moment of caprice, to the *last favours*.—In more serious language (and that which is better suited to the gravity of the Character attempted to be pourtrayed), Mr. Justice HEATH appears, from the books, to have been admitted of the *honourable* society of the *Inner Temple*, the 3d of May 1759; called to the bar the 25th of June 1762, to the degree of Serjeant at Law in Michaelmas Term 1775, and very soon after to have been made a Judge.—*So much for chronological precision.*

Arguing here, from EFFECTS to CAUSES, the skill of the closest Logician, or the most subtle Metaphysician, would be foiled in tracing the chain of combination, by which the one is consequently connected with the other; like *Aladin*'s splendid palace erected in the dark, whose statelineſs was leſs admired than the *invisible means* of it's sudden Elevation.

It has been (maliciously enough) said, that Mr. Justice HEATH is indebted to his present honorary station, more to his companionable talents, than to any very extraordinary legal acquirements; but a gentleman may surely be the associate of a Chancellor, and owe to him his introduction to a high office, without its warranting an ill-natured insinuation. The very distinction of such a permitted intercourse, is, in a certain measure, a testimony of abilities; for it could not be supposed so illustrious a character would admit to his intimacy an obscure individual, who owned, in common with thousands, an insatiable passion for the grape, and the *coarse* joys it is accustomed to inspire. Such a supposition would be as injurious to the *patron* as the *client*.

Mr. Justice HEATH, though confessedly not favoured in any eminent degree by nature, has however not neglected to avail himself of what is in every man's own power, independent of *original* deficiencies.

The

The candid mind must necessarily allow him no inconsiderable store of legal learning, patiently collected from the lengthened shelf, trembling under the ponderous pressure of voluminous reports.

Happy is it that there are peculiar provinces in the law suitable to the various capacities of it's almost innumerable professors; so that, he who is not exactly formed for the activity of practical pleading, may be singly provided for in domestic ease, by emoluments arising from confidential consultations in the chamber.

Mr. Heath, as a draughtsman in equity, acquired some reputation.

His *judicial* character is free from imputation; and if his decisions have been few and not very important, they have never been disapproved. If the mere discharge of the duties, coupled with the important office which he is appointed to fill,

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be the ſum of what is required of a Britiſh Judge, Mr. Juſtice HEATH is not only an unexceptionable, but a reputable Delegate of his important Truſt.

Sir JOHN WILSON, Kt.

One of the JUDGES of the COURT of COMMON PLEAS.

——— "*At est bonus, ut melior vir,*
Non alius quisquam; at tibi amicus, at ingenium ingens,
Inculto *latet hoc sub corpore*———."

HOR.

SIR JOHN WILSON, is the only son of JOHN WILSON, late of *Howe*, near *Kendal*, in the county of *Westmoreland*, and was admitted of the honourable *Society* of the *Middle Temple* the 22d of Jan. 1763; called to the Bar the 7th of Feb. 1766; appointed King's Counsel the 24th of April 1782; made a *Bencher* of the above Society the 10th of May in the same year; a *Serjeant* the 6th of Nov. 1786; and soon after a *Judge* of the Court of Common Pleas.

A por-

A Portrait, greatly defective in Elegance, and all the delicate touches of the masterly pencil, may yet exhibit the striking and prominent features of a face; and such Portraits are often very highly esteemed. The Delineation of Character may be conducted in a similar manner. The most conspicuous, which are generally the least commendable parts of a character, may be so exhibited, that every one would immediately know the original, and yet, perhaps, the better informed judgment would discover, that all the finer and more amiable traits, in which the heart and judgment of the man are more truly and immediately expressed, are entire.

The former of these species of portraiture ought never to be tolerated in the artist, and the latter should never be attempted by the man of letters, except in such instances where the preponderance of what is gross or defective, is so great as to overwhelm the better endowments from the

clear

clear eye of discernment. Mr. JUSTICE WILSON merits to be delineated in a very different manner, and we shall accordingly endeavour, in the following draught, to trace the finer discriminations, as well as the coarser features.

As a Lawyer, he stands very high in popular opinion. His great knowledge was *alone* his introduction to the Bench; and no man of the profession is held in superior estimation, either on account of professional abilities, amiableness of manners, or benevolence of heart. He is one of those rare and respectable characters, upon whom the genial gale of penegyric can blow in security, without the remotest danger from the shrinking blast of malevolence and censure, his NAME is equivalent to Respectability and Reverence, and meets regard equally in public station and private society.

Sir

Sir JOHN WILSON was never, we believe, in parliament, and indeed offers no ground for obſervation as a *political* character. He forced his way in life by dint of application, and the patient exerciſe of his talents in profeſſional purſuits.

As a *Speaker*, it muſt be confeſſed he has little claim to notice. Action, he has none —his voice is hoarſe and diſſonant—his pronunciation thick and indiſtinct—his language is neither of the kind calculated to animate and tranſport, or to conciliate or impoſe!—but it is ſuch, as clearly to ſtate the meaning of the ſpeaker, and conſequently to give the force and ſubtlety of his arguments a degree of weight.

While at the Bar, his expreſſions were uniformly ſuch as ſtrongly marked the great deference and reſpect he thought due to the tribunal he addreſſed.

His

His mode of *delivery*, far from assisting, is injurious to his language. It is cold, languid, nerveless, always monotonous, and often drawling and heavy. It oppresses the ear with a leaden weight, which even elegance of style, and vivacity of Imagination (to which he has no pretensions), would be inadequate to remove.

In *argument* he is close, connected, and conclusive; and, indeed, Sir JOHN WILSON ought rather to be considered as a *sensible* SPEAKER, than as an ORATOR; being equal to the task of informing the understanding, though unable to move and influence the passions.

He never wantons in the desultory excursions of fancy, or suffers himself to be diverted from the point in debate by the

meteors

meteors of Imagination. He is fond of legal subtleties and distinctions. Indeed, the arguments suggested by, and the language that naturally arises from such discussions, as *The obstruction of ancient window-lights*, AND *The diversion of a water-course*, afford little scope to genius, or seldom offer, even to the greatest Orator, opportunities of displaying the flowing richness and variegated powers of Eloquence; and *upon such ground*, even DEMOSTHENES himself would, perhaps, have been inferior to Sir JOHN WILSON. The generality of professional questions seem rather to require a certain degree of subtlety and sagacity, than the brilliancy of Fancy or the arts of Eloquence.

As a *Counsel*, he was always heard with attention; as a *Judge*, he *commands* it. In giving a law-opinion, or in addressing a Jury from the Bench, his *discrimination* is acute,

acute, correct, and ingenious; his learning great, and displayed by an arrangement clear, regular, and methodical; digested with judgment, and applied with propriety,—from its justness securing assent, and carrying conviction from its force.

THE HONOURABLE

Sir JAMES EYRE, Knt.

LORD CHIEF BARON of the Court of EXCHEQUER.

The gentleman is learned; a moſt rare ſpeaker,
To nature none more bound, his training ſuch,
That he may furniſh and inſtruct great Teachers,
And never ſeek aid *out* of himſelf.

SHAKESPEARE'S HEN. VIII.

He ſits amongſt men like a deſcended god;
He hath a kind of honor ſets him off—
More than a mortal ſeeming.

CYMBELINE.

THE ſtudy of the law is one of the nobleſt purſuits of the human mind, and has been held in the higheſt eſtimation by the greateſt men of almoſt every age and of every civilized country. If it has any

where *pre-eminent ſuperiority*, it is in *this*, where we find men's ſituation and conſequence in ſociety, in a great meaſure regulated by the degree of their proficiency in it; other knowledge and other talents may conduce to render a man more companionable, more accompliſhed, more agreeable and polite, but, without this *eſſential attainment*, they will be found totally inefficient to the purpoſes of obtaining either Honors or Emolument.—It might be expected too, that a life devoted to the attainment of a ſcience ſo liberal, would be invariably free from the little prejudices and limited views of other men: that they would look to the Intereſts of their country, and of Individuals, with the eye of Philoſophy, and only regard them as conducive to the purpoſes of Morality and the general good. That this, however, is not always the rule of conduct to guide that formidable body of men denominated Lawyers—experience very feelingly tells us, and as forcibly evin-

ces,

ces, that, like *Churchmen*, they are little emulous either of Patriotiſm or Virtue—on the contrary,—To defend the Exceſſes of Authority, and palliate Violations of Liberty, are, too often, favourite objects both of the Profeſſors of the Law and Goſpel.

The Science of Law in it's nature, ſays BOLINGBROKE, the moſt noble and beneficial to mankind, is, in it's debaſement, the moſt ſordid and pernicious. There have been Lawyers that were Orators, Philoſophers, and Hiſtorians ;—there have been CLARENDONS and BACONS, and notwithſtanding the venality of preſent times, and the too frequent proſtitution of profeſſional talents, there are ſtill to be found thoſe that reſemble them; who reflect honour on their country, and credit to their profeſſion. Of theſe, one of the moſt diſtinguiſhed is the Gentleman whoſe name ſtands prefixed to this imperfect ſketch.

Being very *ſcantily* ſupplied with Information and Anecdote relative to the preſent CHIEF BARON, and not chooſing to relate on the ſlight foundation of anonymous Report, a great and important Law Character muſt be confined to narrow and very unworthy limits.

Mr. EYRE was called to the Bar from the honourable Society of Gray's Inn, under the patronage of the late Lord Chief Baron PARKER, and very ſoon diſtinguiſhed himſelf as a man of ſuperior abilities, and ſuch as induced his promotion to the high and honourable ſituation of RECORDER of the City of London. He is one of thoſe very few who had prepared himſelf for the exerciſe of his profeſſion, by climbing up to the 'VANTAGE GROUND of ſcience, inſtead of groveling below, like too many profeſſional men, in the dirt of an Attorney's office, or a Special Pleader's deſk :—Liberal ſtudies, it has been very juſtly obſerved, by expanding the mind, and opening the receſſes of the heart, have a ſtrong tendency

to

to dictate a conduct that ſeldom pays the tax of cenſure. The truth of this obſervation is at leaſt verified in the inſtance before us.

As a *Counſel*, Mr. EYRE ſtood foremoſt in his profeſſion, at a time when the Bar was attended by the moſt eminent Names known in legal Biography. As a *Judge*, he is conſidered of equal learning and ability with any one that adorns the Bench. His ſtyle of ſpeaking is the true eloquence of Magiſtracy. He is nervous and learned, clear, ſenſible, and fluent.

It is an illiberal and wrong idea, that modern Times are ſtrangers to Eloquence; as the common Child of Freedom, and Knowledge, our Courts of Juſtice (though different from Athenian and Roman Judicatures), abound with examples of it's trueſt and moſt perfect models; and there is a certain dignity of manner and aſpect attendant upon the words of this learned Lawyer, that their impreſſions

are

are equally unrival'd and irresistible. The *affected* Dignity, and *Assumption* of Veneration and Awe, that so emphatically characterize the present CHANCELLOR, sit with a natural Grace upon the CHIEF BARON, and forcibly mark the distinction between the Dignity that is *real*, and that which is *assumed*. The shades of difference are stronger than exist between the *Brilliant* and the *Counterfeit*.

His Lordship is admitted to be an able Civilian,—a species of knowledge peculiarly adapted to the Court in which he presides; but we believe his still more distinguished Excellence is, a most comprehensive and intimate knowledge of what is denominated *Crown Law*; and we ought not to omit reminding the reader, in delineating (however faintly), the Character of a great British Judge.—That, the life and liberty of the meanest Subject, is of far greater Importance, than any Question of Property possibly can be; and that, the Talents of TULLY

were

were never more conſpicuouſly employed, than in the protection of injured Innocence, or the Conviction of abandoned Guilt.

Superior knowledge on this ſubject, was the prominent Feature in the Character of the great Lord HALE, with whom the preſent CHIEF BARON OF THE EXCHEQUER will, in all reſpects, ſupport Competition, by compariſon as a man of Science, and Pre-eminence as a Magiſtrate.

THE HONOURABLE

Sir BEAUMONT HOTHAM, Knt.

One of the BARONS of the COURT of EXCHEQUER.

Adown the ſmooth, ſequeſter'd vale of life,
He kept the noiſeleſs tenor of his way.

IT is the obſervation of a profound and elegant Writer, That the Periods of Proſperity and Peace, however conducive to the Happineſs of a People, are but ill adapted to the views of the Hiſtorian. To trace the wiſdom of internal Police, and the gentle ſtreams of Commerce, flowing into a thouſand different channels of Opulence, may be intereſting to the cloſet Philoſopher, but wants a certain blended infuſion of Spirit, to give it life and conſtitution ſufficiently vigorous, to carry it's Deſcent to the remote ages of Poſterity.

The

The ſame obſervation applies ſtill more forcibly to the BIOGRAPHER. HERODOTUS and XENOPHON, TACITUS and LIVY, would hardly have remained to animate our feelings and excite our enthuſiaſm, if they had not been furniſhed with the *active* materials of Wars and civil Commotions;—by bringing all the paſſions into play, they furniſh out the lights and ſhades of Character, and develope the inmoſt Receſſes of the human Heart—*hence*, our admiration and delight on peruſing thoſe claſſic Pages.

Nature herſelf holds this language.—The Tempeſt exhibits all the variety of the Sublime, to excite Wonder and Emotion. The blood is quickened into Circulation, and we feel blended Emotions of Terror and Delight, ſo grateful to the mind of Senſibility, that Language reaches no way to the Deſcription, while the milder Beauties of the ſereneſt ſky are viewed with the moſt tame and torpid Indifference.—The powers of Nature

Nature must be roused, agitated, called forth *energetically*, in order to please: even the voice of wisdom is feeble, languid, and nerveless, unless aided by a certain degree of Enthusiasm. Deduct this ethereal spirit from Historians, Orators, and Poets, and what do you leave them?—a mere *caput mortuum*, the Body indeed remains, but the Soul takes it's flight, and vanishes in air.

It remains to the Recorder of Character to lament, that relish of Satire and Invective, that *poignancy of flavour* which quickens the appetite, and renders it so grateful to the palate of modern Depravity, but which, however fervid may be his love of *virtue*, he endeavours in vain to infuse into her praise; the *unattemper'd* sweetness of panegyric induces satiety and languor—it is taken up with no ardour, perused with no avidity, and laid down without any régret. The venerable oak never looks so noble as when Eurus agitates her boughs.

Had

—Had *Salluſt* choſen for his ſubject the god-like integrity of *Cato*, inſtead of the fell profligacy of *Catiline*, the envious ſcythe of Time would, ages ſince, have ſwept away his ſweetly pregnant Sentences, and deprived us of all knowledge of that elegant Hiſtorian.

Under the impreſſion of this idea, we detail what FEW FACTS have come to our knowledge of BARON HOTHAM.

The virtues of his Heart have contributed to render him univerſally beloved in private Life, and eſteemed in his Judicial Capacity; but he does not by any means poſſeſs that fire and brilliancy of Genius which irreſiſtibly attaches the notice of mankind, and warms the Panegyriſt with the ardour of Enthuſiaſm. BARON HOTHAM may deſerve the *whiſper* of approbation, but he will never be ſaluted with the obſtreperous Blaſt from the Clarion of Fame.

When

When a *Counſel*, he attended the Chancery Bar *little known*, and although an admirable Scholar, and a well-read Lawyer, yet ſo *very little diſtinguiſhed* in Practice, that his Elevation to the Bench, not unfrequently produced the mortifying Enquiry, —WHO IS HE?—WHAT'S HIS NAME?

BARON HOTHAM is nevertheleſs RESPECTABLE upon the Bench; and it has been obſerved, that whenever called to the adminiſtration of *Criminal* Juſtice, the Humanity, the Solemnity, and impreſſive Pathos of his Addreſs to Priſoners, has melted the moſt obdurate to Contrition and Repentance.

The Country may be juſtly congratulated on it's Happineſs, that boaſts ſuch Judges as BARON HOTHAM:—The Feelings of the People would be gratified by his Tranſlation to the Preſidency of the Court of Chancery, for

for which Seat he has every necessary Qualification*, both of Head and Heart.

* We except that of *Speaker* of the House of Lords.—He wants that BOW-WOW MANNER, and BRAZEN FRONT so necessary to control the Tumult of Popular Assemblies.

THE

THE HONOURABLE

Sir RICHARD PERRYN, Knt.

One of the BARONS of the COURT of EXCHEQUER.

Alcandrumque, Haliumque, Noemenaque, Pritanymque

VIRGIL.

He knows full well, who *oft* purſues the Game,
That in a *Pack* each Hound muſt have his Name.

TRANSLATION.

MR. PERRYN was admitted a ſtudent of the Inner Temple, the 27th of April 1746, and called to the bar the 3d July in the following year.

His Progreſs to Buſineſs was ſlow, but it was of gradual Increaſe; and although confined

confined to the Court of Chancery, it was, during the latter years of his practice, so extensive, as to ensure him a Brief in almost every Cause and Motion agitated in that Court.

The reputation that accompanies, or rather precedes extensive Practice, recommended him to the Honours of the Profession.

Mr. Perryn was made a Serjeant, in Easter Term 1776, and very soon after a Baron of the Exchequer.

It is generally understood, by whatever means a man may advance himself in life in other professions, in that of the Law at least, that great Practice is an Indication of proportionate Genius and Abilities.—This however is not always the case—Attornies and Solicitors, (the Counsel's best Patrons) are not always the best judges of Merit—with minds narrowed by an uniform adherence

herence to Practical Rules and technical Jargon, they do not always discriminate between the Pedantry of Professional Phraseology, coupled with an ostentatious disply of Reading and real Genius, aided by profound Erudition.

Neither are there wanting *other ways*, by which Barristers *may* attach the Professors of the mechanical part of the Law to their Interests.

Great industry will do much—and, frequently, much depends on a fortunate *entré!* The favourable Decision of a Cause at a young Counsel's outset, the hopes of which seemed desperate, and which yet might *chance* to owe a fortunate Turn, more to some unexpected Incident than to any merit of it's Leader, has been known to go farther in advancing a growing Reputation, than the most elaborate Science, and great resources of mental Endowments.

To which of these causes Mr. Perryn's vast accession to business is to be attributed, is left to the Decision of those who shall deem the History of his Life worthy more laborious Research: certain it is, that his Talents are by no means *of the first impression*; and, notwithstanding the extent of his Business as a Barrister, it is well known that he was held *cheap* by the great Cotemporaries with whom he practised, particularly so, by ONE great Character in the Court of Chancery.

His language is poor, insipid, and nerveless; his manner conveys an idea of Weakness and Insipidity—his Arguments might be well, and even judiciously arranged, but carried no weight or force with them.

BARON PERRYN, as a *Judge*, is, we dare say, possessed of competent Legal Knowledge: that he is a humane, upright, and good

good man, the whole world bears ample teſtimony.—In a private capacity he is very much the Gentleman, and Man of Faſhion; perfectly eaſy in his deportment, and amiable in his manners.

THE HONOURABLE

Sir ALEXANDER THOMPSON, Knt.

One of the BARONS of the EXCHEQUER.

You wear out a good wholesome forenoon in hearing a Cause between an orange-wife and a fosset-seller, and then adjourn a Controversy of three-pence to a second day of Audience.

SHAKESPEARE'S CORIOLANUS.

IN every drama some characters are introduced for the sole purpose of filling up the scene, and occupying the little intervals between the *exit* and *entrés* of more important Characters.

On the Theatric Stage it sometimes happens, that those *necessary*, though uninteresting Characters, are decorated with the trappings and parapharnalia of Royal and

and Senatorial Dignity, and, in the little Drama here ſubmitted to the Public, it muſt not be wondered, if ſome ſuch *perſonæ* make their appearance in the Judicial Robe.

Mr. Baron THOMPSON would not, perhaps, *ſo ſoon* have attained his preſent elevated Situation, without ſome more powerful Recommendation than his own Talents;—great Induſtry, however, aided by ſtrong Claims of *nature and ſympathy* upon illuſtrious Patronage, effected, in very early life, what many revolving years of Application, aſſiſted by Genius, would not, perhaps, have *at all* accompliſhed.

Mr. Thompſon was born at Woolverhampton, in Staffordſhire, where he was alſo educated.

In Michaelmas Term 1764, he was admitted of Lincoln's Inn, and called to the Bar in Michaelmas Term 1769. His attendance was, from this period, confined

fined to the Court of Chancery, and his principal buſineſs that of a Draughtſman. The elaborate Forms appropriated to particular caſes among the Greeks and Romans, ſhew the ſenſe mankind have of the neceſſity of *written* Forms of proceeding in the adminiſtration of Civil Affairs; and he who, from long habit and labour, is become expert and dexterous at drawing up theſe Forms, is certain not only of acquiring conſiderable emolument, but a certain degree of ſecondary profeſſional reputation, proportionate to his utility. The ability indeed of attending to a long ſeries of complicated Facts, ſurveying the whole train of conſequences reſulting from them, ſtating and connecting theſe Facts in a clear and conſpicuous method, ſo as to convince the judgment of their truth, agreement, and conſiſtency, requires not only ſtrong natural capacity and clearneſs of intellect, but the moſt prodigious labour.—A Bill in Chancery, 'tis true, is like no other ſpecies of human compoſi-

tion;

tion; but it is no reflection on the soil that weeds grow up with the fruit; it is on those who neglect its cultivation.*

Great experience in this kind of business and the habit of searching into the Books for Cases, probably made Mr. Thompson a useful Assistant to his Patron, and *accelerated* his preferment; neither could it fail to give him a certain *currency* in the profession: but the mere Lawyer, without being distinguished by *some powers* as a Speaker, can never be a character of *consequence*. SPEECH is the distinguishing characteristic of the human species, and the sphere of its utility is wonderfully enlarged, by those who are in any degree *masters* of it.—The meanest possess it for the common purpose of social intercourse; but that *perfection* of Speech which lays claim to the name of *Eloquence*, elevates it's Possessor as much above the rest of his kind, as the faculty of

* See Dialogues on Law, 8vo.

of Speech raiſes the common herd of mankind above the other Tribes of animal Nature. The Orator is the Bulwark of the Conſtitution, and the Guardian of Public Tranquillity, who, by his ſway, connects Men into Society, and whilſt he oppoſes himſelf to the pernicious conſequences of Anarchy and Confuſion, is beheld with a kind of reverential awe by the factious and ambitious.—The Orator is the Spring by which every Government is actuated. ——Some indeed have held Eloquence rather a meretricious than a meritorious Art, and have not been wanting in aſſertions, That *England*, as well as *Athens*, have ſeen their wiſeſt Counſels diſſipated by the breath of Oratory; but it is common for people to ſpeak ſlightly of what *they* cannot attain—it is the Gift of Heaven—a moment's Eloquence is worth an age of Study, and the proof of *aſcendancy* ſhould be the Rule to judge of it's Importance.

It

It is, however, unneceſſary to enlarge upon it's utility, where examples are ſo numerous; and, conſidering how very far the Name prefixed to the ſubject of this ſhort Memoir is removed from *all pretenſions* to Oratory, it might be inferred to inſinuate an inſult never intended to be conveyed by theſe Strictures.—*Let us return from Obſervation to narrate Facts.*

Mr. THOMPSON was, in Michaelmas Term 1782, made a Maſter in Chancery, a promotion which many eminent Barriſters decline, as it generally conveys an idea of what is called *laying by on the high ſhelf.* It proved otherwiſe in the inſtance before us.—

In Hillary Term 1786, Mr. THOMPSON was appointed Accountant General; and in the year following, on the reſignation of Chief Baron SKYNNER, made *puiſne* Baron of the Exchequer, and received the honour of Knighthood.

Among

Among the *Traits* of this Judge's Character, we ſhould not forget to particularize his great *Timidity* and *Diffidence*, Qualities ſo proverbially ſingular in the Profeſſors of the Law, and ſo inconſiſtent with all the habits of their Lives, that they almoſt imply a want of intellectual Vigour, proper to diſcharge the Duties of the Profeſſion :—Fear, in exceſs, confounds both underſtanding and purpoſe.

Mr. Baron THOMPSON, is an amiable character, and perfectly reſpectable in private Life.

THE HONOURABLE

Sir ARCHIBALD MACDONALD, Knt.

His Majesty's ATTORNEY GENERAL

Too low for a high Praise, and too little for a great Praise.

Seest thou not the air of *court* in these enfoldings?
Hath not my gait in it the measure of the *court*?
I am a courtier *cap-à-pée*.

SHAKESPEARE.

EXOTICS in the *natural* world, seldom root so well in any *other* as in their own strata; but in the *moral* world, we find it directly the reverse. We have daily examples of a drudging *Scott*—an impatient *Irishman*—and even an *homely* WELSHMAN, benefiting

benefiting by transplantation; and we have been particularly led to this reflection, on close contemplation of the subject of this brief Page. SIR ARCHIBALD MACDONALD would, most probably, have remained but a weak *slip* from the paternal Tree, perhaps productive of little fruit, nor remarkable for any striking foliage, had he been left to rot or ripen on the barren soil that first raised and nurtured him into existence.

SIR ARCHIBALD is the son of SIR ALEXANDER MACDONALD, of *Slate*—the representative of the *Kings* and *Lords* of the ISLES—a title of more *sound* than *importance*; yet tenaciously kept up, and vauntingly noted in the Archives of the family. The mother of the Attorney General was the LADY MARGARET MONTGOMERY, a daughter of the NOBLE HOUSE of EGLINTON.

The family of Sir ALEXANDER may be justly esteemed amongst the most fortunate

fortunate of his country, for every branch of it has been patronized either by natural or acquired favours. SIR JAMES, who afterwards ſucceeded to the Baronetcy of his father, will be univerſally remembered as a prodigy of early abilities: but the full blown Flower of Genius failed, in a *certain* degree, to anſwer the promiſe of it's firſt opening. The *ſecond* ſon, ALEXANDER, by dint of application, and the force of merit, was created an Iriſh Baron in the year 1776; and Sir ARCHIBALD, of whom we are now ſpeaking, has, by a fortuitous turn of circumſtances, ſucceeded to two the moſt important offices of his Profeſſion,—thoſe of *Solicitor* and *Attorney* General.

If we view Sir Archibald's firſt *practice* at the Bar, a word ſynonymous with *legal Reputation*, we ſhall find it to have been extremely ſcant;—A Fee, *now and then*, in Scotch appeals, being the ſummit of his Experience, or indeed expectations.

His

His latter ſucceſs has been owing, like ſome others of his Brethren, more to the *Petticoat* than to the *Gown*.

SIR ARCHIBALD, it muſt be remembered, is connected, by marriage, with the Houſe of STAFFORD, having eſpouſed Lady GOWER, a daughter of the preſent *noble* MARQUIS. From the powerful intereſt and influence of ſuch an alliance, Preferment might naturally be looked for, nor has it been looked for *in vain*. On the firſt vacancy, we accordingly obſerve Sir ARCHIBALD conſtituted Solicitor General; and on the advancement of Sir PEPPER ARDEN, he ſucceeded him as Attorney General.

It had formerly been accepted as a maxim, That theſe great Crown Officers ſhould ſtand forth, as ſtrong Miniſterial Holds in the HOUSE of COMMONS;—but *moral* and *political* data, as we have more than in *this* place obſerved, have occaſionally given

given way to progressive Improvement. Our present happy Minister has learned to conduct the Nation, if not honourably, with respect to himself, at least safely, WITHOUT ANY SUCH FOREIGN AID—or INDEED ANY AID AT ALL:—He is the responsible First Lord of the Treasury, and Chancellor of the Exchequer; and, besides these, generally conceived, First Commissioner of the Admiralty—the Secretary at War—and the Secretary of State—CUM MULTIS ALIIS.

He is the Atlas of the State, and his Conduct seems to discover an Ambition of standing *alone*, unsupported by any Abilities but his own;* we should not be surprised (having been called to the Bar),

* In an elegantly written Pamphlet, entitled, A REVIEW OF THE POLITICS OF GREAT BRITAIN, IN 1787, *the same idea* is thus happily expressed and enlarged upon:

Mr. PITT himself, comprehends almost the whole of Administration.—With *Atlantean shoulders* he supports the incumbent weight of the Monarchy, and stands, like AJAX,

Bar), if he was *also* to do the business of the Court of Chancery. Lord NORTH monopolized the abilities of the Kingdom in defence of his Measures, having enlisted under his Banners the formidable Names of THURLOW, WEDDERBURNE, NORTON, and

AJAX, SINGLE AND ALONE, amid Hosts of surrounding Enemies. One, and one only Friend, appears decorated with the insignia of Legal Dignity, to oppose, in another House, the attacks of Opposition. Wherever else I look, I see only a vast Vacuity; a Vacuity, where no Talents, no Powers of Oratory, no Strength of Intellect, illuminate the darkness, or cheer the gloom! The names of a SYDNEY and a CARMARTHEN, can only be transmitted to future times, by being involved in the illustrious Train of PITT, and must be preserved from Oblivion, by mixing in his Radiance. They may "pursue the Triumph, and partake the Gale," but never can mingle in the splendour of Renown: too happy, if their want of ability screen them from Investigation; a JENKINSON and a DUNDAS may, indeed, supply the defects of the Cabinet in either House of Parliament: but England was not accustomed, in better times, to see the foreign Interests of her Crown thus abandoned and thus neglected, in every Court of Europe, and in every quarter of the Globe.

It is not sufficient for Men, who assume and undertake to conduct the Affairs of Nations, that they possess Probity and

and DE GREY,—Who are the Champions of PITT?——RISUM TENEATIS!——Sir RICHARD PEPPER ARDEN, Mr. BEARCROFT, and Sir ARCHIBALD MACDONALD!!!!!!!!

But to return——Sir ARCHIBALD MACDONALD, as a *Lawyer*, has given very few Specimens of ſtriking Abilities; as a *Speaker in Parliament*, fewer ſtill; but, as a *Private Character*, no man is more eſtimable or amiable.

and good Intentions. Talents and Application muſt mark them out from among the Croud of Nobility who ſurround the Throne, and entitle them to occupy the dangerous Eminences of State: nor, when theſe are wanting, can any adventitious Decorations of Rank, or Illuſtrious Birth, be admitted as a compenſation for ſuch inherent and incurable Defects.

THE HONOURABLE

Sir JOHN SCOTT, *Kt.*

His MAJESTY's SOLICITOR GENERAL.

Pleasant without scurrility—witty without affectation—audacious without impudence—and learned without opinion.

SHAKESPEARE's *Love's Labour Lost.*

——— He hath a prosp'rous art
When he will play with reason, and discourse,
And well he can persuade.

SHAKESPEARE's *Measure for Measure.*

IT would be a curious, and by no means a useless gratification, to review the Revolutions of Taste in the different Periods of English History, and observe the very dissimilar Means which varied Manners hold out to the aspiring and ambitious in the Career of Fame. The same Path that is obstructed in one Age by endless difficulties, is opened by the flattering hand of Invitation and Incitement, in another.

Monkish

Monkish Habits were, in other Times, a Prelude to the Statesman's Robes, —Honours and Emoluments were only lavished upon Churchmen, and those of minds enslaved by the gross Bigotry of Monastic Life. Every Department of State was Priest-ridden;—the Helm of England has been conducted by the tyrannic Hand of a Butcher's Son! under the Sanction of these *Trappings*.

To *this* succeeded a more liberal Age. Elegance and Refinement were seen, like the great Luminary of the World, emerging from a Cloud, and bursting through the gloom of Monkish Ignorance. Polite and speculative Literature succeeded the dull Jargon of the Schools; and Poets and Philosophers were called to occupy the first Offices of State.

A succeeding Revolution dethroned the Muses, to make way for the Men of Law. The present may fairly be denominated the *Age of Lawyers*.——Formerly Men were

whelmed

whelmed in the vaſſalage of Prieſthood.—Prieſts were in thoſe Times a kind of Solicitors in the Chancery of Heaven, inveſted, however, with all it's Plenitude of Power on Earth.—Lawyers *are* now, what Prieſts *were* then; and the Tribute paid to them, is as great as Superſtition once rendered to the Church.

Men of this Profeſſion, without Birth, Family, Connections, or Wealth, are daily raiſing themſelves to the higheſt Dignities of State; and the Character, now under conſideration, will probably live to be decorated with a Commiſſion, that will give him Precedence over every Lay Subject of the Kingdom. How long the Law may poſſeſs this great Superiority, and the Bar remain almoſt the only Avenue to Wealth and Fame, may be a matter of great ſpeculative Curioſity to the Philoſophical Obſerver; but not being directly pertinent to the Subject before us, it muſt paſs us undiſcuſſed, while we proceed to narrate what we know,

or

or have been able to obtain, respecting Sir JOHN SCOTT, from the strictest enquiry.*

Sir JOHN SCOTT is the Son of a respectable Tradesman in *Newcastle*. His elder Brother, Sir WM. SCOTT, was bred up in the Practice of the Civil Law Courts, and is at this Time a Doctor of Laws, and His Majesty's Advocate General, and will, in all probability, rise to the highest Honours in the Ecclesiastical Court. SIR JOHN, then Mr. SCOTT, was admitted a Student of the *Middle*

* That the Bar will not always maintain their present Pre-eminence, may fairly be inferred, not only from preceding Revolutions of National Taste and Circumstances, but also from the History of other Nations. We may observe, even in OTHERS, the different Degrees of Respect in which the Orators, or Pleaders of Causes, were held at different Periods; and in ROME, we have still more striking Examples of the mutability of Professional Respectability and Opulence. The immediate Successors of CICERO found the Bar the most honourable and lucrative Profession; but, in the Time of JUVENAL and PERSIUS, the Case was so much otherwise, that their Poverty, and the wretched insignificance of their Fees, were become Proverbial Reproaches to the *whole Tribe* of Orators.

Middle Temple of Hillary Term, 1770, and after ſtudying with much application, keeping his Terms regularly, and attending the Court of Chancery with great aſſiduity during the uſual Seaſon of Probation, was called to the Bar in Hillary Term 1776.

He devoted his attention principally to the Practice of the Courts of Equity. Indeed, for ſeveral years after his Call to the Bar, with a Timidity natural to his Character, he ſhunned, as much as poſſible, appearing even at the Chancery Bar *as a Pleader;* confining himſelf almoſt entirely to the Buſineſs of a Draughtſman, in which he was reputed extremely able, and in which he had vaſt Practice.

Many have forced themſelves, in this Profeſſion, into public notice, by reſolute and perſevering Induſtry, which the ſtrength of their conſtitutions have enabled them

them to support; and not a few have succeeded by means of that *florid energy* of Character, distinguished by the word ASSURANCE; but Sir John Scott is a singular instance, where the Source of Advancement in life is to be traced to great natural Modesty and Feebleness of Constitution, which is too apt to operate as a check upon young Ambition's Wing; and is very rarely, indeed, productive of advantages in the road to Fame and Fortune. Such was, however, the case in the present instance; Mr. Scott, finding his health unequal to Confinement, and the sedantary Life of a Draughtsman, meditated a Change in his Plan of Life; and doing violence to his Feelings, sought the nearer Path to Fame by the Road of Eloquence.

The Attempt succeeded far beyond his own hopes, or the Expectations of his Friends.

As

As a Draughtſman, Mr. Scott had always diſtinguiſhed himſelf by the Neatneſs and Accuracy of his Pen. In his Bills, in his Anſwers, in his Conveyances, every Thing ſeemed arranged in the moſt correct and orderly Manner, and expreſſed in the neateſt and moſt appropriate Language, which the formal Jargon of the Law would admit; and now, as a Chancery Advocate, the ſame Ingenuity, Preciſion, and Clearneſs, diſtinguiſh all his Pleadings.

His Speaking, is of that ſubtle, correct, and deliberate kind, that has more the appearance of written than of oral Eloquence. He branches forth his Arguments into different Heads and Diviſions; and purſues the reſpective Parts through all their various Ramifications, with ſuch methodical Accuracy, that Argument ſeems to riſe out of Argument, and Concluſion from Concluſion, in the moſt regular and natural Progreſſion; ſo that thoſe who are not acquainted with his Practice, would

ſuſpect

ſuſpect that he had ſtudied and prepared his Speeches with the moſt diligent Attention; while others, who are better acquainted with the Buſineſs of the Courts, feel their Admiration and Surpriſe increaſed, from the Knowledge that a Man of his extenſive Buſineſs, ſo far from *ſtudying what he ſhall ſay*, can ſcarce find Time to glance his Eye over the numerous Papers that come before him, but muſt catch his Knowledge of the Cauſe, not ſo much from his Brief, as from the Opening of the Junior Counſel, and the Arguments advanced on the oppoſite Side.

He is alſo particularly diſtinguiſhed for his Aptitude and Ingenuity in Reply.

His ſyſtematic mind ſeems to methodize, with inconceivable rapidity, the Arguments of his Opponents. In the ſhort ſpace of Time between the Pleadings of his Adverſary, and his Reply, every Thing ſeems digeſted and diſpoſed, and

his

his Mode of Replication seems planned in the nicest Order. He will frequently take up the concluding Argument of his Opponent; or, at other times, seize upon some Observation which had fallen in the middle of the adverse Speech. Here he will begin his Attack; and proceeding by his usual clear and deliberate Method, pursue one regular Chain of reasoning, till he has confuted, or at least replied to, every Proposition advanced against him.

Mr. SCOTT is little known *out* of the Metropolis, or *in it*, but as a Chancery Pleader.—The Subtlety of his Metaphysical Reasonings are admirably adapted to the Practice of this Court.

There are *certain Characters*, who, from being themselves remarkably *overbearing* and *assuming*, are particularly pleased in others with that Modesty and Diffidence, which give them no Trouble by painful Opposition, or assuming the Appearance

of

of Competition, by a resolute Adherence to Argument and Disputation. It is therefore probable, and a variety of Instances support the Supposition, that notwithstanding Mr. Scott's acknowledged Talents, he owes his Success, in a great measure, to that Urbanity of Manners and Diffidence, which has avoided, as much as possible, all Opposition with the Bench.—Be this as it may, the present Chancellor took very early Notice of him, and gave him his Countenance in Practice, in a way extremely unusual with him.

One time, in particular, while Mr. SCOTT was yet but *rising* into Notice, the Chancellor having been particularly pleased with his pleading, and having paid him the most marked Attention during all the time he was speaking, desired, at the breaking up of the Court, to speak with him in private;—however embarrassed with the unexpected Honour, he instantly obeyed the Summons, and they retired together.

The

The Chancellor congratulated him on his rising Merit, and offered him the then vacant Mastership in Chancery; at the same time observing, that he did not press his Acceptance, since, in all probability, he might in time do better.

The Office of Master in Chancery is looked upon, by the Professors of the Law, as a kind of HOSPITAL FOR INVALIDS, where those, whom Connections, or Application, have reared to a certain Rank, sometimes find a calm and idle retreat for Life, with a comfortable Stipend, and *good Accommodation*; but from whence they are seldom called again into more distinguished Scenes of Action, that lead to the high Offices of State. But Mr. SCOTT (tho' as we have observed before, much of a Valetudinarian in Constitution), probably feeling himself rather encouraged by this Conversation, to pursue the arduous Path of Fame, than to repose himself in this obscure Retreat, politely declined the Office,

and

and wisely trusted to his Fortune and Industry for the attainment of still higher Honours.

How much this Anecdote must have contributed to raise the young Pleader in the Opinion of the Profession, may be easily imagined. Certain it is, Mr. Scott had a greater Run of Business than any Counsel at the Bar.

In 1783, a Patent of Precedency was granted him, by which he became entitled to all the honours and advantages of the Silk Gown, and ranked with the King's Counsel.

Mr. SCOTT was soon after introduced into Parliament, having been returned for the Borough of *Webly*, in *Hereford*.

In the commencement of his Career, as a Political Character, and a Parliamentary Speaker, we must refer to the date of

Mr.

Mr. Fox's celebrated India Bill; and upon this occasion it must be observed, that he seems to have foregone the *wonted Modesty* of his Character, by putting himself not only in opposition to LEE, the then *Attorney General*, a Man of acknowledged Abilities, but against the British DEMOSTHENES, the Champion of Patriotism.

What were the specious Pretexts on which this Bill was opposed, what were the Nature of Mr. SCOTT's Arguments, and what the fate of the Bill itself, are Topics unnecessary to be here enlarged upon. However unpropitious this Event might be to the Interest and Welfare of this Country, it was very far from having any ill effects on the Fortune of Mr. SCOTT.

Eminence in our Courts, is a sure Conductor to the *Path* of Promotion;—but it goes no further, *of itself*, than to the

THRESHOLD of preferment; a certain *pliability* and *elasticity of Principle*, which can wind thro' the mazes of Political Intrigue, and a facility of shaping Opinions to the Fashion of the Times, are essential Requisites for conducting him to the Goal. In these respects, to speak plainly, Lawyers are seldom deficient; Their habits of representing whichever Side they feed upon, as that, which Truth and sound Reason support, naturally leads them, in time, to consider Truth and Reason as only to be found on the side of Interest. From this temper of Mind, perhaps many of those rapid Advancements to Power and Opulence, which have distinguished the Barristers of the present Century may be accounted for; and perhaps even the forcible Reasoning, and correct Diction of Sir JOHN SCOTT, might not as readily have smoothed for him, the Road to his present Honours, had not his *Principles* led him so readily, and so zealously, to espouse the Sentiments of those, it had already been determined should be advanced

to

to Administration, and who held the Reins of Power *at the Dissolution of the last Parliament.*

Since the Change produced by the Measure above stated, no material alterations have taken place in Cabinet Arrangements, and Sir JOHN SCOTT has *hitherto* persevered in a uniformity of Conduct. In the Year 1788, he distinguished himself as the illustrious Father of the *Declaratory Bill*; an explanatory Act, of which it may be said, as it has of many Commentaries upon Homer, that it pointed out Meanings and Interpretations invented long after the Original was digested, and gave the Authors of the Performance, it pretended to elucidate, the Honour *(such as it was)* of Inventions, about which, at the time it was composed, they were not bold enough to think, even in their wildest Dreams.

The Consequences of this extraordinary Measure, were as advantageous to Mr.

SCOTT, as the Bill itself was alarming to the Friends of Liberty. The latter, it is true, were left to mourn, in astonishment, the security with which Measures might be introduced by slow, *jesuitical* and nefarious means, that would have instantly died in the Lustre of open Day.

These were Services that never go unrewarded. In 1788, Mr. SCOTT was knighted, and made Solicitor General.

Among the other *Patriotic* Measures of Mr. PITT's Administration, to the Honour of which Sir JOHN SCOTT may justly, in part, lay claim, we must not forget, that in him *originated* the Legal Doctrines and Subtleties of the *Regency Bill*.

As a *Parliamentary Speaker*, Sir JOHN SCOTT's Merit, is very inferior to his Professional Ability as a *Pleader*. The technical Modes of Speech, and the formalized Habits of the Courts, *attach* him so strongly upon all Occasions, that he can never

never hope to charm a popular Aſſembly, or command the Applauſe of Senates.—He wants the Warmth and Animation, the bold declamatory Vehemence, that diſtinguiſh the Senatorial from the Forenſic Orator.

SIR JOHN SCOTT always begins in the Houſe of Commons with a low and embarraſſed Tremulation of Voice, which ſubſides very gradually, and ſometimes not at all.—He is always ſhrewd, clear and ſenſible, but very ſeldom energetic and impreſſive—*never* animated.

As a *private* Character, Sir JOHN SCOTT is perfectly the Gentleman: eaſy, polite, and affable; neither aſſuming among his Friends, difficult of Acceſs, or faſtidiouſly reſerved, to Strangers. With the Manners, he alſo blends the Exterior of the Gentleman.

Mr. ANSTRUTHER.

Adsciſſet nova, quæ Genitor produxerit uſus:
Vehemens & liquidus, puroque ſimillimus amni,
Fundet opes, Latiumque beabit divite Linguâ:
Luxuriantia compeſcet; nimis aſpera ſano
Levabit cultu; virtute carentia tollet:
Ludentis ſpeciem dabit, ac torquebitur, ut qui
Nunc Satyrum, nunc agreſtem, Cyclopa movetur.

HOR. EPIST.

THE multifarious *Biographer* is, in ſome particulars, not unlike the *Painter*. The mere catching the *identity* of ſtriking features, is to *both* almoſt a work of mechanica eaſe; but to give a *varied attitude, and a ſtill rarer character* to the picture, is, to the one and the other, the knotted perplexity (TRINODA NECESSITAS) of the art he cultivates.

The Gentleman of whom we now *attempt* a faint Sketch, will not, we hope, be aſhamed

ashamed to look on a Portraiture handled with much *Faithfulness*, though with little Taste. In one thing, at *least*, we may take credit—that we shall not suffer by the test of COMPARISON, as we believe he has not sat to another Artist.

Mr. ANSTRUTHER is indebted to Fortune for some accidental Advantages, that might have benefited more, had they fallen elsewhere, than where they did. It may suit the booby Heir of a rich House, to have his Wants provided for, even before he knows that he has any; but GENIUS in every Clime, will force to her Necessities the Tribute of the Alien.

On the Pride of Birth much might here be arrogated. If to be descended from one of the oldest Families of an antient Kingdom, were, in these times of happy Illumination, any thing to boast—He is the son of SIR JOHN ANSTRUTHER, Bart. of Ayreshire, in Scotland, who connects

rects with a handſome Rent-Roll, conſiderable Parliamentary Intereſt.

At an early age, young ANSTRUTHER was recommended to Glaſgow, and there to Dr. MILLAR, the celebrated Profeſſor of Humanity. They who were lucky enough to have brought hither any Talents, might be aſſured, at leaſt, not to leave the place with leſs Knowledge than they came.--Our *Tyro* would, however, have bidden farewell to the Academic Walls, with little increaſed Knowledge, but for the inceſſant Induſtry of his great Preceptor; for he is ſaid to have been the idleſt boy of his Claſs. When recalled from College, he began, however, to feel the Neceſſity of an eſtabliſhed Purſuit, and a fixed Attention on the proſecution of it. Left to himſelf, he did not long heſitate where to determine—but fixed at once on the Study of the Law.

In

In 1774, he was admitted of Lincoln's Inn—and called to the Bar in Hillary Term 1779.

His progrefs in profeffional Avocations, has been more obfervable for the *Certainty* of the *Retainments* of what it has *once* poffeffed itfelf, than of *quick Attainments*, Nor can it any way be at all impeached for having been pufhed by unfair and difreputable Practice.

Mr. ANSTRUTHER, in the Declaration of his Opinion *as a Lawyer*, is *flow*; but to make ample amends, he is for the moft part, *fure*. He is confulted on all great Queftions of Law, arifing in his own Country, and has often evinced, by a large Difplay of *local* Learning, that a more able Advocate could no where be engaged. Perhaps there is no Branch of Pleading more honourable than that of Scotch Appeals; more *lucrative*, it may roundly be faid, there cannot be; and he is not without

out a proportionate Division of *diurnal* Business in the Court, where he is more especially called to Practice.

He had not been long on the Books of Lincoln's Inn, when a Prospect of a Seat in the House of Commons presented itself, too flattering to be resisted. He has been twice returned to Parliament.

His conduct in the Senate has been uniform. He conceived an early Attachment to Mr. Fox and his Politics, from which he has never swerved in *all the trying Vicissitudes* of his great Leader's Fortune. He is, to the Party with whom he acts, an able Coadjutor. In his Arrangement of public Concerns, in his easy reference to remote Facts, he affords a useful, though *tacit* Assistance, to his more talkative Associates; nor has he ever hurt the Cause he espoused, when he ventured to rise in support of its Merits.

His

His regular Attendance in the Committee of Enquiry into the Affairs of India, not ten years tedious Procefs has been able to appal. To his Indefatigability, may be afcribed the Honour of his being appointed by the Commons of England to fhare in the Management of the Impeachment now carrying on, in their Name, againft WARREN HASTINGS, Efq.

The Speech on the Opening of the Charge entrufted to his Hands, was a grand Specimen of Oratorical Abilities, and difcovered a wonderful Poffeffion of the Subject he was required to illuftrate. Where *the prefent* Lord CHANCELLOR deigns to commend, it may very fairly be prefumed there is pofitive Defert; and his Lordfhip could not with-hold his Approbation on the Spot.

His Speeches on the *Regency Bill*, the *Declaratory Act*, and Mr. PITT's *India Bill*, did him equal Honour.

Mr.

Mr. ANSTRUTHER's Oratory is by no means SHEWY. His Characteriſtic is *forcible Argument*, conveyed in *neat*, *pointed* Language. He is ſaid to affect the Manner of Lord LOUGHBOROUGH; and if ſo, is certainly an admirable *Copy*. As far as relates to Action, he has ſucceeded in the moſt exact Reſemblance; but he who looks for the further Perfection of a *Volume* of Harmonious Voice, and the happy Energy of Animation, will be diſappointed. Whenever Mr. ANSTRUTHER deviates from the *even*, *didactic*, *kind of Speaking*, his communicative Organs fail him entirely. Sometimes his Voice is thickly choaked; at others, it utters Sounds diſcordant, and ungrateful to the Ear of Harmony.

In *Perſon* he is above the common Stature, and rather inclined to ſtoop, probably from a ſedentary Habit. His impaired Health may alſo, we ſuppoſe, be attributed to the ſame Cauſe.

The

The concluding Paragraph gives us more Pleasure than all that have forgone; however in *Public* Life he may be admired of his numerous Partizans; it is far exceeded in the amiability and respect of his *Private* Worth.

Messrs. ERSKINE, PIGOT, MINGAY, *and* GARROW, *were originally intended to follow the* ATTORNEY AND SOLICITOR GENERAL; *but as a* SECOND VOLUME *(entirely confined to the great* CHARACTERS *of the BAR is ready for the Press, awaiting the Public judgment upon the* PRESENT, *it is judged better to reserve those* very eminent Names, *as a means of* ENSURING *a favourable Reception.*

After

After so much has been said of Lawyers of the present Day, the Insertion of the following Character from an Old Writer, *may not, perhaps, be thought impertinent or improper:*

THE

CHARACTER of an HONEST LAWYER.

BY H. C. Χιλονομιον.

Justitiæ cultor, rigidi servator Honesti, in commune bonus.

Licensed August 29, 1676, ROGER L'ESTRANGE.

AN Honest Lawyer is the life-guard of our Fortunes, the best collateral Security for an Estate: a trusty Pilot, to steer one through the dangerous (and often times inevitable) ocean of contention: a true Priest of Justice, that neither sacrifices to fraud nor covetousness; and in this outdoes those of a higher function; that he can make people honest that are Sermon-proof.—He is an infallible anatomist of *Meum* and *Tuum*, that will presently search a cause to the quick, and find out the peccant humour, the litte lurking cheat, though masked in never so fair pretences: one that practises

Law, so as not to forget the Gospel, but always wears a Conscience as well as a Gown; he weighs the Cause more than gold; and if that will not bear the Touch, in a generous scorn puts back the Fee.

Though he knows all the Criticisms of his Faculty, and the nice Snapperadoes of Practice, yet he never uses them, unless in a defensive way, to countermine the plots of Knavery; for he affects not the devilish skill of out-baffling Right, nor aims at the shameful Glory of making a bad Cause good; but with equal contempt hates the Wolve's Study, and the Dog's Eloquence; and disdains to grow great by crimes, or build himself a fortune on the spoil of the oppressed, or the ruin of the Widow and Orphan. He has more reverence for his Profession, than to debauch it to unrighteous purposes; and had rather be dumb, than suffer his tongue to pimp for injustice, or club his parts, to bolster up a cheat with the Legerdemain of Law-craft.

He is not faced like *Janus*, to take a retaining fee from the Plaintiff, and afterwards a back-handed Bribe from the Defendant; nor so double-tongued, that one may purchase his Plead-

ing,

ing, and the other at the ſame, or a larger price, his Silence; but when he undertakes a buſineſs, he eſpouſes it in earneſt—and does not follow a cauſe, but manages it. A mollifying letter from the adverſary's potent friend, a noble treat, or the remora of a luſty preſent from the great, have no influence to make him ſlacken his proceedings; for he is ſo zealous for his Client's intereſt, that you may ſooner divorce the ſun from the ecliptic, than warp him from his integrity; yet ſtill is his patron only *uſque ad aras* (as far as juſt); for if once he finds the buneſs ſmells rank, *St. Mark's* Treaſure, or the Mines of *Potoſi*, are too ſmall a fee to engage him one ſtep further.

As his profeſſion is honourable, ſo his education has been liberal and ingenious; far different from that of ſome jilting pettifoggers, and purſe-milking law-drivers, whoſe breeding, like a cuckoo's, is in the neſt of another trade, where they learn wrangling and knavery in their own cauſes, to ſpoil thoſe of other men, and, with ſweetened ingredients of mechanic fraud, compound themſelves (though ſimple enough) fit inſtruments for villany. But his greener years were ſeaſoned with literature,

and

and can give better proofs of his university learning, than his reckoning up the Colleges, and boasting his name in the Buttery book: he understands logic (the method of right reasoning) and rhetoric (the art of persuasion), is well seen in history (the free school of prudence), and no stranger to the ethics and politics of the antients. He is skilled in other languages besides *Declaration Latin* and *Norman* gibberish: he read *Plato* and *Tully* before he saw either *Littleton* or the *Statute Book*, and, grounded in the principles of Nature and Customs of nations, came *(lotis manibus)* to to the study of our common municipal law, which he found to be *multorum annorum opus*, a task that requires all the nerves of industry; and therefore employed his time at the Inns of Court, better than in hunting after new fashions, starting fresh mistresses, haunting the playhouses, or acquiring the other little town accomplishments, which render their admirers fine men in the opinion of fools, but egregious fops in the judgment of the wise.

In his study, he traffics not only with the infantry of epitomes, abridgments, and diminutive collectors in *decimo-sexto*, but draws his knowledge

knowledge from the original springs, digesting the whole body of the Law in a laborious and regular method, but especially aims to be well-versed in the practice of every Court, and rightly to understand the art of good pleading, as knowing them to be the most useful to unravel the knotty intrigues of the cause, and reduce it to an issue; yet hates to pester the Court with *Circuities*, *Negative Pregnants*, *Departures*, and multiplied *Inconveniencies*.

He never goes about with feigned allegations to cast a mist before the eyes of justice, that she may mistake her road, and assign the child to the wrong mother: endeavours not to pack a Jury by his interest to the Under Sheriff; nor to balk an Evidence with a multitude of sudden ensnaring interrogatories; nor maintains any correspondence with the Knights of Alsatia, or Ram-Alley Vouchers. He can prosecute a Suit in Equity, without seeking to create a *whirlpool*, where one Order shall beget another, and the poor Client be swung round (like a cat before execution) from Decree to Rehearsing, from Report to Exception, and *vice versa*, till his fortunes are ship-wrecked, and himself drowned, for want of white and yellow earth to wade

through

through on. He never studies delays to the Ruin of a Family, for the lucre of Ten Groats; nor, by drilling Quirks, spins out a suit more lasting than Buff, depending a whole revolution of Saturn, and entailed on the third and fourth Generation. He does not play the Empric with his Client, and put him on the rack to make him bleed more freely, casting him into a swoon, with frights of a judgment, and then reviving him again with a cordial Writ of Error, or the dear Elixir of an Injunction, to keep the brangle alive as long as there are any vital spirits in the pouch. He can suffer his neighbours to live quiet about him, without perpetual alarms of Actions and Indictments, or conjuring up dormant Titles to every commodious Seat, and making Land fall five years purchase, merely for lying within ten miles of him.

He delights to be an Arbitrator, not an Incendiary, and has *beatus pacificus* oftener in his mouth than *currat lex*. He never wheedles any into endless Suits for trifles, nor animates them to undo themselves and others for Damage Feasant, or insignificant trespasses *pedibus ambulando*; but (as *Telephus* sword was the best cure for the wounds

wounds it made) advises people to compose their assaults and slanders over the same ale that begot them; nor does he, in weightier causes, extort unreasonable fees; for whatever the foul-chapp'd rabble may suggest, a Lawyer's profession is not mercenary; the money given him is only an honorary gratuity for his advice and trouble, or a grateful acknowledgment of our obligations for his well-intended endeavours; and the old emblem of the bramble's tearing off the sheep's fleece that run to it for shelter in a storm, can have no reflection upon him, whose brain is as active, and his tongue as volatile, for a pennyless pauper, as when oiled with the *aurum potabile* of a dozen guineas.

In a word, whilst he lives, he is the delight of the Court, the ornament of the Bar, the glory of his profession, the patron of innocency, the upholder of right, the scourge of oppression, the terror of deceit, and the oracle of his country; and when death calls him to the Bar of Heaven, by a *habeas corpus cum causis*, he finds his Judge his Advocate, nonsuits the devil, obtains a liberate from all is infirmities, and continues still one of the Long Robe in Glory.

The

The AUTHOR's APOLOGY.

THERE are a ſort of ſpider-pated animals, that can ſuck venom out of the medicinal flowers; miſchievous Drones! that have not only left off *laudanda facere, ſed etiam laudare;* ſo far from doing any thing praiſe-worthy themſelves, that they cannot endure the deſerved encomiums of others. If any ſuch vermin ſhould light upon this innocent lucubration, and endeavour to turn panegyric into ſatire, by a left-handed comment, the Author thinks fit to anticipate their malice—that there lives not a perſon whoſe breaſt is fraught with a greater veneration for the Profeſſion of the Law than himſelf, who had the honour of ſome mean education therein: But as he knows no true Gamaliel will wrong him with ſuch a groundleſs ſuſpicion, ſo he eſteems the diſpleaſure of griping Cauſe-jobbers, and Green Bag-dabblers, below his regard. It is their intereſt to be offended at the character of an Honeſt Lawyer, for the very ſame reaſon that hard-favoured Ladies hate Handſome Chambermaids; and may well imitate that Dawber's policy, who, having drawn a moſt miſerable picture of a cock, hired a boy to pelt away all the live ones from coming near, leſt people, by comparing, ſhould diſcern the horrid uglineſs of his own.